
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator Maria Elena Durazo, Chair

2025 - 2026 Regular

Bill No: AB 956
Author: Quirk-Silva
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Fiscal: Yes
Consultant: Favorini-Csorba

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Requires a local agency to permit two detached accessory dwelling units per single-family parcel.

Background

Accessory Dwelling Units. The Legislature has long identified accessory dwelling units (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:

- Designate areas within the jurisdiction where ADUs may be permitted;
- Permit ADUs that do not exceed various zoning requirements set in statute, such as minimum lot sizes and distances from property lines (“setbacks”);
- Limit parking to one space per ADU;
- 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; and
- 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.

AB 2408 (Thurmond, 2016) also allowed local agencies to adopt an ordinance regulating Junior ADUs (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 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:

- Require local governments to allow ADUs to be at least 800 square feet, even if local standards would otherwise reduce the unit size below that threshold;
- Prohibit local governments from imposing square footage limitations on ADUs of 850 square feet, or 1,000 square feet for an ADU that provides more than one bedroom;
- Require local governments to allow one ADU and one JADU on a single-family parcel;
- 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; and
- Gave the Department of Housing and Community Development (HCD) enforcement authority over ADU ordinances.

Other legislation followed to further remove barriers to ADU law, including SB 1211 (Skinner, 2024), which allowed up to eight detached ADUs on a lot with an existing multifamily building.

Impact fees under ADU law. ADU law reduces the impact fees that ADUs may be subject to in a variety of ways. ADUs under 750 square feet are exempt from impact fees and impact fees imposed on larger ADUs must be proportional to the square footage of the primary unit. JADUs under 500 square feet also cannot be charged impact fees. An ADU or JADU that is smaller than 500 square feet also cannot be considered residential construction for the purposes of school impact fees. Public utilities cannot require a new connection and cannot charge connection fees or capacity charges for an ADU or JADU on a lot with an existing or proposed single-family home that is either:

- Contained within the primary dwelling; or
- Converted from an existing accessory structure.

As a result of the Legislature's actions on ADUs, annual permits for ADUs have increased 20-fold from 2016 to 2023. In 2023, ADUs comprised more than 21% of all homes permitted statewide.

California YIMBY wants the Legislature to allow more ADUs to be built.

Proposed Law

Assembly Bill 956 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, but provides that a local agency is not required to permit two detached ADUs and a JADU on the same lot. AB 956 also makes clarifying changes to the prohibition in existing law against covenants, restrictions, or conditions that unreasonably restrict or prohibit the development of ADUs.

Comments

1. Purpose of the bill. According to the author, “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. One is the loneliest number. ADU law allows up to three ADUs or JADUs to be built on a parcel with a proposed or existing single family dwelling: one attached ADU and one JADU, both of which must be within the space of the primary dwelling, and one detached ADU. AB 956 allows two detached ADUs to be built with a single family home, but a local government does not also have to permit the JADU on the site. That keeps the overall number of ADUs allowable under ADU law at three. Because of their increased privacy and self-contained nature, detached ADUs are more attractive as rental units than attached ADUs or JADUs, and therefore may be more likely to be rented.¹ This is a double-edged sword—detached ADUs may be more likely to boost housing supply with hopes of increasing affordability, but, to the extent that they allow more individuals to live in a given jurisdiction, may also increase demands for services such as water, sewer, power, parks, and others. Since ADUs benefit from reduced impact fees relative to other types of equivalently-sized dwelling units, the units developed using AB 956 won’t pay the full freight of their effects on the community. This stresses local government finances, forcing them to make cuts or find revenues elsewhere.

3. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because AB 956 imposes new duties on local agencies, Legislative Counsel says it imposes a new state mandate. AB 956 disclaims the state’s responsibility for providing reimbursement by citing local governments’ authority to charge for the costs of implementing the bill’s provisions.

4. Related legislation. SB 1117 (Cervantes), which the Committee approved at its April 22nd meeting on a vote of 7-0, requires local agencies to charge impact fees for an ADU or JADU only on the area of the project greater than 750 square feet.

5. Incoming! The Senate Rules Committee has ordered a double referral of AB 956: first to the Committee on Housing, which approved AB 956 at its June 10th hearing on a vote of 7-1, and second to the Committee on Local Government.

Assembly Actions

Assembly Housing and Community Development Committee:	11-0
Assembly Local Government Committee:	9-0
Assembly Appropriations Committee:	12-2
Assembly Floor:	58-0

¹ <https://snapadu.com/blog/attached-adu-vs-detached-adu/>

Support and Opposition (6/26/26)

Support: California Yimby (Sponsor)

California Apartment Association

Leadingage California

Opposition: California Cities for Local Control

City of Burbank

City of La Habra

League of California Cities

Rural County Representatives of California (RCRC)

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