Date of Hearing: August 27, 2025

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
Matt Haney, Chair
AB 956 (Quirk-Silva) – As Amended August 12, 2026

SUBJECT: Accessory dwelling units: ministerial approval: single-family dwellings

SUMMARY: 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, and clarifies that covenants, restrictions, or conditions (CC&Rs) in planned developments and any related governing documents prohibiting or restricting the construction of ADUs and junior ADUs (JADUs) on lots zoned to allow single-family developments are void and unenforceable. Specifically, **this bill**:

1) Requires a local agency to ministerially approve an application to develop up to two detached ADUs on a lot containing an existing or proposed single-family dwelling.

2) Provides that a local agency is not required to ministerially approve an application for a building permit to create a junior ADU (JADU) on the same lot where two detached, new construction, ADUs have been constructed pursuant to 1).

3) Clarifies that CC&Rs in planned developments and any related governing documents prohibiting or restricting the construction of ADUs and junior ADUs (JADUs) on lots zoned to allow single-family developments are void and unenforceable.

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. (Government Code (GOV) 66313)

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. (GOV 66313)

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. (GOV 66323)

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. (Civil Code Section 4000-6150)

5) Deems void and unenforceable any 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; or

   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.

FISCAL EFFECT: According to the Assembly Committee on Appropriations: "No state costs. Local costs of an unknown amount to local agencies to provide for the streamlined review and approval of additional ADUs on existing single family lots. These costs are not state-reimbursable because local agencies have general authority to charge and adjust planning and permitting fees to offset increased costs associated with the provisions of this bill."

COMMENTS:

California's Housing Crisis: California's housing crisis is a half-century in the making.[1] After decades of underproduction, supply is far behind need and housing and rental costs are soaring. As a result, millions of Californians must make hard decisions about paying for housing at the expense of food, health care, child care, and transportation, directly impacting the quality of life in the state.[2] One in three households in the state doesn't earn enough money to meet their basic needs.[3] In 2024, over 187,000 Californians experienced homelessness on a given night.[4]
To meet this housing need, HCD determined that California must plan for more than 2.5 million new homes, and no less than one million of those homes must be affordable to lower-income households, in the 6th Regional Housing Needs Allocation (RHNA) cycle. By contrast, housing production in the past decade has been under 100,000 units per year – including less than 10,000 units of affordable housing per year.[5]

ADUs and Gentle Density as a Solution: Recently, there has been a national trend toward allowing more "gentle density," such as ADUs, duplexes, fourplexes, townhomes, and other

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[1] California Department of Housing and Community Development, *A Home for Every Californian*: 2022 Statewide Housing Plan. March 2022, https://storymaps.arcgis.com/stories/94729ab1648d43b1811c1698a748c136
[2] IBID.
[3] IBID.
[4] U.S. Department of Housing and Urban Development, Point in Time Counts. https://www.huduser.gov/portal/datasets/ahar/2023-ahar-part-1-pit-estimates-of-homelessness-in-the-us.html
[5] https://www.hcd.ca.gov/policy-research/housing-challenges.shtml

moderately dense housing types that were common before zoning restrictions took hold. In 2016, SB 1069 (Wieckowski), Chapter 720, and AB 2299 (Bloom), Chapter 735, allowed ADUs by right on all residentially zoned parcels in California. SB 1211 (Skinner), Chapter 296, Statutes of 2024, continued this trend by increasing the number of allowable detached ADUs on multifamily properties from two to as many as eight, depending on the number of existing multifamily units on the site. Additional legislation has established statewide standards for ADU setbacks, height limits, square footage, and other land use regulations, regardless of local zoning. ADUs are now required to be reviewed within 60 days by local governments through a streamlined, ministerial process. By permitting attached ADUs, detached ADUs, and junior ADUs (JADUs) on all residential lots, these and other laws have facilitated the construction of "missing middle" housing in exclusionary single-family zones and across all residential neighborhoods in the state.

Taken together, these reforms have created a fast, predictable, uniform, and enforceable approval process for ADUs statewide. As a result, ADUs have gone from representing less than 1% of new housing construction before 2017 to approximately 20% today, with more than 23,000 ADUs legally completed in 2023. 6 Their numbers are expected to continue growing as the ADU construction and financing industry matures, helping meet an estimated market potential of 1.8 million units in California. 7 Because ADUs are not dependent on state funding allocations, they are poised to remain a significant and growing part of the state's new housing stock.

ADUs address California's severe housing deficit and offer benefits to both homeowners and future residents. For homeowners, ADUs can generate rental income to help offset mortgage costs or supplement retirement savings. They may also increase property value and support multigenerational living, allowing families to house aging parents, adult children, or caregivers while preserving privacy. JADUs, typically smaller and created from existing space in the main residence, offer a lower-cost way to add living space using existing infrastructure. For renters, ADUs and JADUs expand the housing supply in established neighborhoods, creating more rental opportunities in areas where housing is often scarce or expensive.

Because they are typically smaller than average homes and do not require land acquisition, ADUs are generally cheaper to build and rent than other market-rate units. A 2021 survey of permitted ADU owners by UC Berkeley found that median construction costs ranged from $100,000 to $177,500, significantly lower than for traditional new construction. 8 Costs vary by type, with detached ADUs being more expensive than garage conversions but still substantially more affordable than standard homes. That same UC Berkeley survey found that in coastal markets, over one-third of ADU owners rented their units at rates affordable to lower-income households. 9

This bill would authorize the development of one additional detached ADU on lots with an existing or proposed single-family home, allowing up to two detached ADUs per lot. This bill

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[6] Per HCDs "APR Dashboard" https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard. Complete data for 2023 will be made available by June 30, 2024. This statistic relies on data pulled on May 28, 2024.

[7] Monkonnen et al, 2020, *One to Four: The Market Potential of Fourplexes in California's Single-Family Neighborhoods*, UCLA Working Paper Series: https://www.lewis.ucla.edu/research/market-potential-fourplexes/

[8] Chapple et al, Implementing the Backyard Revolution: Perspectives of California's ADU Owners, UC Berkeley Center for Community Innovation, April 2021: https://www.aducalifornia.org/wp-content/uploads/2021/04/Implementing-the-Backyard-Revolution.pdf

[9] IBID.

provides that if two detached ADUs are constructed, a local government is not also required to approve a building permit for the construction of a JADU on the site.

Clarifying ADU Law and the Davis-Stirling Act: Amendments taken in the Senate add provisions to this bill regarding ADUs and their intersection with the Davis-Stirling Act, which governs Common Interest Developments. This bill clarifies one item in ADU Law related to planned developments. 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. AB 670 applied to lots that are zoned "for" single family development, rather than lots zoned "to allow" for single family development. In practice, this ambiguity can be interpreted to authorize HOAs to prohibit ADUs on parcels that are zoned to allow for more than one unit (even if the zoning district also allows for single-family homes). This bill will specify that ADU Law applies to any lot in an HOA that allows single-family residential use.

Author's Statement: 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."

Arguments in Support: California YIMBY, the bill sponsor, writes in support: "AB 956 amends the current ADU law to require local agencies to approve up to two detached ADUs on lots with an existing or proposed single-family home. This will allow homeowners to increase the ADU potential of their property when the physical space is available, permitting more of this popular, and lower-cost housing type. However, the bill would expressly state that a local agency is not required to permit 2 detached accessory dwelling units and a junior accessory dwelling unit on the same lot."

Arguments in Opposition: Families & Homes San Jose writes in opposition: "The bill will especially change the market for smaller homes (e.g., 1,200 sf homes on 5,000 sf lots). Today these small homes are available as starter homes to first time homebuyers, but if AB-956 is adopted, then these will become the primary target for developers, who can convert a garage or other space internal to the existing house and add two detached ADUs in the rear (four total rental units). Of particular concern is that many of the homes targeted by AB-956 are in California Tax Credit Allocation Committee (CTCAC) designated low opportunity communities, which raises concerns that AB-956 violates California's commitment to affirmatively furthering fair housing (AFFH)."

Related Legislation:

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.

SB 1211 (Skinner), Chapter 296, Statues of 2024: Increased the number of allowable detached ADUs on multifamily properties from 2 to up to 8, depending on the existing number of multifamily units on the site.

SB 477 (Senate Committee on Housing), Chapter 7, Statutes of 2024: Reorganized ADU and JADU law.

SB 9 (Atkins), Chapter 162, Statutes of 2021: Required the ministerial approval by a local agency of a duplex in a single-family zone and the lot split of a parcel zoned for residential use into two parcels.

AB 587 (Friedman), Chapter 657, Statutes of 2019: Allowed an ADU to be sold or conveyed separately from the primary residence to a qualified buyer under specified circumstances.

AB 68 (Ting), Chapter 655, Statutes of 2019, AB 881 (Bloom), Chapter 659, Statutes of 2019, and SB 13 (Wieckowski), Chapter 653, Statutes of 2019: Collectively, these bills made changes to ADU and JADU laws, including narrowing the criteria by which local jurisdictions can limit where ADUs are permitted, clarifying that ADUs must be ministerially approved if constructed in existing garages, eliminating for five years the potential for local agencies to place owner-occupancy requirements on the units, prohibiting an ordinance from imposing a minimum lot size for an ADU, and eliminating impact fees on ADUs that are 750 square feet or less and capping fees on ADUs that are 750 square feet or more to 25%.

REGISTERED SUPPORT / OPPOSITION:

Support

California YIMBY (Sponsor)
California Apartment Association
East Bay for Everyone
LeadingAge California
South Pasadena Residents for Responsible Growth
Southern California Obtainable Housing
Yolo YIMBY
Zillow Group

Opposition

California Cities for Local Control
California Fire Chiefs Association
City of Burbank
City of Carlsbad
City of Chino Hills
City of Concord
City of Cupertino
City of Hesperia
City of LA Habra
City of Lakewood CA
City of Milpitas
City of Murrieta
City of San Marcos
City of Soledad
City of Thousand Oaks
City of Torrance

City of Tulare
City of Yorba Linda
Equitable Land Use Alliance (ELUA)
Families and Homes San Jose
Fire Districts Association of California
League of California Cities
Neighbors for a Better San Diego
Rural County Representatives of California (RCRC)

Oppose Unless Amended
Marin County Council of Mayors and Council Members

Analysis Prepared by: Dori Ganetsos / H. & C.D. / (916) 319-2085