

This bill requires a city or county that has an ADU ordinance to submit a copy of the ordinance text as part of their APR.

Comments

- 1) *Author's Statement.* “California’s housing crisis is driven by an insufficient supply of housing units that are safe and affordable to all incomes. In the last decade, the Legislature has taken great strides to increase the overall housing supply; one bright spot in these reforms has been the dramatic increase in the production of ADUs. While local governments are required to submit newly created ADU ordinances to the Department of Housing and Community Development (HCD) for review, HCD does not have a clear picture of legacy ordinances that may be hindering state law. SB 1122 would require local agencies to submit a copy of any ADU ordinance to HCD as part of their Annual Progress Report. This will ensure that HCD can provide technical assistance to jurisdictions across California so that they are compliant with state law.”
- 2) *ADUs’ role in tackling the housing crisis.* ADUs are uniquely able to deliver housing in communities where new construction is typically stifled – namely, single-family communities. Recent changes to state law have permitted ADUs in single-family zones and made it easier and more cost-effective to construct them. As such, ADU construction in California has exponentially grown from a handful each year, to 8,900 in 2018, to over 30,300 in 2024, now representing one out of every five legally constructed homes in the state. Due to their size and lower construction costs, these units are often offered at rates much more affordable to renters earning lower to middle incomes.
- 3) *Annual Progress Report.* Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community, at all income levels. California’s local governments meet this requirement by adopting a Housing Element as part of their General Plan. While a General Plan serves as a local government’s general blueprint for how the city and/or county will grow and develop, a Housing Element is specifically focused on how a jurisdiction will promote (and not unduly restrict) housing production. Each jurisdiction must prepare an APR on the jurisdiction’s status and progress in implementing its Housing Element using forms and definitions adopted by HCD, as well as report other housing specific data. This bill would add additional reporting requirements to a jurisdiction’s APR to include a copy of its ADU ordinance.

- 4) *ADU Ordinances.* ADU law allows local agencies to adopt ADU ordinances that are consistent with state ADU law. Local ordinances may expand and elaborate upon provisions in ADU law, but they cannot conflict with the requirements of ADU Law. ADU law further requires that local agencies that elect to adopt an ordinance must submit the ordinance to HCD for review within 60 days of adoption. Additionally, if HCD finds that a local agency's ordinance does not comply with ADU law, the local agency has 30 days to respond to HCD's findings. ADU law requires that the local agency either: A) amend the ordinance to comply with ADU law, or, B) adopt a resolution explaining the reasons the local agency believes that the ordinance complies with ADU law. HCD may notify the Attorney General if it believes a local agency's ADU ordinance is in violation of state law.
- 5) *Let's be clear.* The author's goal is to provide greater transparency and visibility over local ADU ordinances. First, it's not clear how many local governments have adopted an ADU ordinance since 1983, and it's also not clear that these ordinances have kept pace with recent state reforms that began in 2016. **In order to better facilitate this policy objective, the author has agreed to refine the APR requirements to do the following:**
- a) **Require locals to instead identify the local code section where their ADU/JADU ordinance is located.** This is because many homeowners struggle to find their local ADU ordinance in the local codes. If they don't know what the rules are, they have a harder time developing.
 - b) **Require locals to identify the date the ordinance or code was enacted/updated.** HCD currently only gets copies of ordinances that are new or updated, so there could be dozens that have not been updated in years. Additionally, given HCD has oversight over so many other things, knowing which are most out of date will help HCD prioritize which ordinances could be reviewed. This also allows members of the public to review possibly outdated ADU ordinances and ask HCD for technical assistance.

Related/Prior Legislation

AB 68 (Ting, Chapter 655, Statutes of 2019) – Prohibits an ADU ordinance from imposing minimum lot size requirements. Requires a local government to either ministerially approve or deny an ADU permit application within 60 days. Authorizes HCD to submit written findings to a local agency as to whether the local ordinance complies with state law, and requires the local agency to consider the department's findings and to amend its ordinance to comply with state law or adopt a resolution with specified findings. Requires HCD to notify the Attorney

General that the local agency is in violation of state law if the local agency does not amend its ordinance or adopt a resolution with specified findings.

SB 1069 (Wieckowski, Chapter 720, Statutes of 2016) – Requires an ordinance for the creation of accessory dwelling units (ADUs) to include specified provisions regarding areas where ADUs may be located, standards, and lot density. Revises requirements for the approval or disapproval of an ADU application when a local agency has not adopted an ordinance.

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

POSITIONS: (Communicated to the committee before noon on Wednesday, April 8th, 2026.)

SUPPORT:

None received.

OPPOSITION:

None received.

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