

Date of Hearing: July 16, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

SB 9 (Arreguín) – As Amended June 19, 2025

SENATE VOTE: 28-4

SUBJECT: Accessory Dwelling Units: ordinances

SUMMARY: Specifies that a local ordinance implementing Accessory Dwelling Unit (ADU) Law is null and void if the local agency adopting the ordinance fails to submit a copy of the ordinance to the Department of Housing and Community Development (HCD) or if the local agency has not responded to HCD's findings that the ordinance is not compliant.

EXISTING LAW:

- 1) Defines an ADU as an attached or 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. Specifies that ADUs 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) Requires a local agency to ministerially approve an application for a building permit within a residential or mixed-use zone to create one or more ADUs that meet all state and local requirements. (GOV §66317, 66320, & 66323)
- 3) Permits local agencies to adopt an ADU ordinance to provide for the creation of ADUs in accordance with ADU Law. (GOV §66314)
- 4) Specifies that an existing ADU ordinance shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those ADUs. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this article, that ordinance shall be null and void unless and until the agency adopts an ordinance that complies ADU Law. (GOV §66316)
- 5) Provides that ADU Law supersedes conflicting local ADU ordinances, but does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs. (GOV §66325)
- 6) Requires local agencies that adopt an ADU ordinance to submit a copy of the ordinance to HCD within 60 days of adoption, and authorizes HCD to issue written findings regarding whether the ordinance complies with ADU Law. (GOV §66326)
- 7) Requires local agencies to respond to a noncompliance finding from HCD regarding an ADU ordinance within 30 days. Specifically, local agencies must respond indicating that they will either:
 - a) Amend the ordinance to comply with ADU law; or,

- b) Adopt a resolution with written findings explaining why the agency believes the ordinance complies with ADU law. (GOV §66326)
- 8) Authorizes HCD to notify the Attorney General that a local agency is in violation of ADU Law. (GOV §66326)

FISCAL EFFECT: None.

COMMENTS:

- 1) **Bill Summary.** This bill specifies that a local ordinance is null and void if a local agency fails to submit a copy of its ordinance to HCD within 60 days of its adoption or if the local agency has not responded to HCD's findings that the ordinance is not compliant. If an ordinance has been voided, the bill requires the local agency to apply the standards in ADU law for the approval of ADUs until the local agency adopts a compliant ordinance.

This bill is sponsored by California YIMBY.

- 2) **Author's Statement.** According to the author, "The legislature was clear when they required ministerial approval for ADU development and disallowed local governments from adding onerous requirements for development. ADU's now make up 1 in 5 new homes constructed in the state. Despite this, some local governments have enacted ordinances that run counter to state law. Additionally, when HCD provides guidance around enacted ordinances, some local governments have not been responsive to that state guidance.

"SB 9 would remedy this situation by adding enforcement power to existing law. Local governments are already required to submit any ADU ordinance to HCD within 60 days after adoption and to respond to HCD guidance within 30 days. SB 9 would add to that requirement by stating that failure to notify or respond to HCD would result in the ordinance becoming null and void and would revert standards for ADU development to state law. This will ensure that state ADU law is implemented fairly and consistently across the state so that these affordable units can be built in our communities."

- 3) **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. If a local ADU ordinance conflicts with the requirements of state ADU Law, state ADU Law supersedes any conflicting requirements. Local governments making timely updates to local ADU ordinances to comply with changes to state ADU Law, as they are enacted, is imperative to ensuring that laws passed by the Legislature are implemented correctly at the local level.

Local governments that elect to adopt an ADU ordinance must submit the ordinance to HCD for review within 60 days of adoption. 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 technical 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 notes that of the technical assistance letters it has issued on ADU ordinances, eight jurisdictions failed to respond to its findings within the 30-day timeframe allotted in statute. While local agencies need time to update their ordinances, the law contemplates that this will be accomplished through timely consultation

with HCD. Failure to oblige these timeframes frustrates the intent of the law and can lead to the enforcement of unlawful ordinances. Under current law, HCD may notify the Attorney General if it believes a local agency's ADU ordinance is in violation of state ADU Law.

- 4) **Short History on ADUs and JADUs.** The Legislature has long identified 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:

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

These bills also limited the cases when local agencies could require new utility connections for water and sewer, and limited those fees to be proportionate to the burden created by the ADU. AB 2408 (Thurmond, 2016) also allowed local agencies to adopt an ordinance regulating 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 2017, the Legislature clarified portions of the law (SB 229, Wieckowski and AB 494, Bloom).

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:

- a) Require local governments to allow ADUs to be at least 800 square feet.
- b) Require local governments to allow one ADU and one JADU on a single-family parcel.

- c) 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.
- d) Exempt ADUs under 750 square feet from impact fees and require impact fees for larger ADUs to be proportional to the square footage of the primary unit.
- e) Give HCD enforcement authority over ADU ordinances.

Next, in 2022, the Legislature made further changes to many aspects of ADU law through two bills: SB 897 (Wieckowski) and AB 2221 (Quirk-Silva). The most significant provisions of these bills:

- a) Increase the minimum height for ADUs to 16 feet for most ADUs.
- b) Require a permitting agency to approve or deny an application for an ADU or JADU within 60 days of receiving it. If a permitting agency denies an application, it must return in writing a full set of comments on how the application can be remedied.

In 2023, the Legislature permanently prohibited local governments from requiring owner-occupancy for ADUs (AB 976, Ting) and authorized local governments to adopt ordinances that permit property owners to sell or otherwise convey their ADU separately from the primary residence (AB 1033, Ting).

Most recently, SB 477 (Committee on Housing, 2024) was chaptered as an urgency measure to relocate and renumber ADU statutes to make them clearer and more readable. SB 1211 (Skinner, 2024) increased the allowable number of detached ADUs on a lot with an existing multifamily dwelling from no more than two to eight, provided that the number of ADUs does not exceed the number of existing units on the lot, and up to 2 detached ADUs on a lot with a proposed multifamily dwelling. AB 2533 (Carrillo, 2024) extended and expanded an existing ADU amnesty program.

ADU law inconsistently references ADUs and JADUs. JADUs are implicitly considered a type of ADU, but inconsistent references made it difficult to verify which aspects of the law pertained to ADUs, which aspects pertained to JADUs, and which pertained to both. In 2024, SB 477 reorganized ADU law with distinct provisions establishing standards unique to ADUs and standards unique to JADUs. However several references to JADUs remain strewn throughout the new sections specific to ADUs.

- 5) **Arguments in Support.** California YIMBY, the sponsor of this bill, writes in support, “While ADUs have been legal in California for decades, most local jurisdictions have enacted measures making them functionally illegal, or otherwise impossible, to build. However, after the state legislature began passing pro-ADU reforms in 2016, ADUs grew from less than 1 percent of new construction to 20 percent of new homes today; providing much needed housing throughout the state.

“Much of the progress comes from the state streamlining ADU zoning and permitting, overriding local rules that often block these homes. Still, many local ordinances and processes remain in place, delaying development. HCD offers technical help to align local policies with state law, which requires cities to submit ADU ordinances within 60 days and

respond to HCD feedback within 30—but some fail to comply.

“SB 9 strengthens enforcement of state ADU laws by creating a clear accountability mechanism. If a local agency fails to submit its ADU ordinance within 60 days of adoption—or fails to respond to HCD’s findings of noncompliance within 30 days—the ordinance becomes null and void. The city or county must then apply default state standards until a compliant ordinance is adopted.”

- 6) **Arguments in Opposition.** The City of Lake Forest writes in opposition to a previous version of the bill, “SB 9 would further limit the City’s ability to ensure that ADUs are integrated responsibly into our neighborhoods by removing a key tool for maintaining community character and accountability. Owner occupancy requirements serve as a reasonable measure to help ensure that properties are well-maintained and that local residents — not just outside investors — remain a part of our neighborhoods.

“While SB 9 may be well intended in its effort to promote housing production, housing policy must strike a balance between encouraging new units and preserving the livability and stability of our communities. The decision to require owner occupancy should remain with local jurisdictions, who are most familiar with the unique needs and priorities of their consultants.”

- 7) **Related Legislation.** AB 1154 (Carrillo) amends statutory requirements related to small ADUs and JADUs. The bill is in the Senate Local Government Committee.

SB 543 (McNerney) makes numerous changes to bring JADU law in conformance with ADU law. This bill is currently in this committee.

- 8) **Double-Referral.** This bill is double-referred to the Assembly Housing and Community Development Committee, where it passed on a 9-0 vote on June 18, 2025.

REGISTERED SUPPORT / OPPOSITION:

Support

California Yimby (Sponsor)
Abundant Housing LA
Apartment Association of Greater Los Angeles
Apartment Association of Orange County
Apartment Association, California Southern Cities
Berkeley Property Owner's Association
California Apartment Association
California Community Builders
California Rental Housing Association
Casita Coalition
Circulate San Diego
East Bay Rental Housing Association
East Bay Yimby
Fieldstead and Company, INC.
Fremont for Everyone
Grow the Richmond

Housing Action Coalition
How to Adu
Mountain View Yimby
Napa-solano for Everyone
Nor Cal Rental Property Association
North Valley Property Owners Association
Northern Neighbors
Peninsula for Everyone
Power California Action
San Francisco Yimby
Santa Barbara Rental Property Association
Santa Cruz Yimby
Santa Rosa Yimby
Sloco Yimby
South Bay Yimby
Southern California Rental Housing Association
Spur
The Two Hundred
UnidosUS
Ventura County Yimby
Yimby Action
Yimby Los Angeles

Opposition

Lake Forest; City of (Previous Version of the Bill)

Analysis Prepared by: Linda Rios / L. GOV. / (916) 319-3958