
UNFINISHED BUSINESS

Bill No: SB 9
Author: Arreguín (D), et al.
Amended: 6/19/25 in Assembly
Vote: 21

SENATE HOUSING COMMITTEE: 10-1, 4/22/25
AYES: Wahab, Arreguín, Cabaldon, Caballero, Cortese, Durazo, Gonzalez,
Grayson, Ochoa Bogh, Padilla
NOES: Seyarto

SENATE LOCAL GOVERNMENT COMMITTEE: 5-0, 5/7/25
AYES: Durazo, Arreguín, Cabaldon, Laird, Wiener
NO VOTE RECORDED: Choi, Seyarto

SENATE FLOOR: 28-4, 5/28/25
AYES: Allen, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero,
Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire,
McNerney, Menjivar, Niello, Padilla, Pérez, Richardson, Rubio, Smallwood-
Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener
NOES: Grove, Ochoa Bogh, Seyarto, Strickland
NO VOTE RECORDED: Alvarado-Gil, Archuleta, Cervantes, Choi, Dahle, Jones,
Reyes, Valladares

ASSEMBLY FLOOR: 62-2, 8/28/25 - See last page for vote

SUBJECT: Accessory Dwelling Units: ordinances

SOURCE: California YIMBY

DIGEST: This bill specifies that a local ordinance implementing Accessory Dwelling Unit (ADU) Law is null and void if the local agency fails to submit a copy of the ordinance to the department of Housing and Community Development (HCD) or if the local agency fails to respond to HCD's findings within specified timeframes.

Assembly Amendments of 6/19/25 add language to this bill to clarify that local governments must resubmit subsequent ordinances to HCD and follow existing statutory adoption procedures, and make other technical changes.

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) 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.
- 3) Prohibits local agencies from imposing an owner-occupancy requirement on ADUs, except that a local agency may require that a property may be used for rentals of terms 30 days or longer.
- 4) Requires local agencies that adopt an ADU ordinance to submit a copy of the ordinance to the HCD within 60 days of adoption, and authorizes the department to issue written findings regarding whether the ordinance complies with ADU law.
- 5) Requires local agencies to respond to a noncompliance finding from HCD regarding an ADU ordinance within 30 days. Specifically, local agencies must responding 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.
- 6) Authorizes HCD to notify the Attorney General that a local agency is in violation of ADU law.

This bill specifies that a local ADU ordinance is null and void if the local agency does not comply with obligations to submit the ordinance to HCD to review, or respond to findings from HCD regarding the ordinance.

Background

ADUs and Ownership. ADU 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 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.

AB 2299 and SB 1069 allowed local governments to limit the ministerial approval process to ADUs where the property owner lives in the primary unit or the ADU. Proponents argued this requirement helped ensure oversight of ADU development and increased the potential for it to be rented out at an affordable rate to family and friends. They also raised concerns that removing owner occupancy would lead to more speculative development of ADUs by large corporations.

SB 13 (Wieckowski, Chapter 653, Statutes of 2019) removed the ability of local governments to require that the primary unit be owner-occupied until January 1, 2025. AB 976 (Ting, Chapter 751, Statutes of 2023) removed the "sunrise" provision of SB 13 (Wieckowski), and thus removed the ability for local governments to require owner-occupancy beginning January 1, 2025.

Comments

Author's statement. "SB 9 clarifies the intent of the legislature to remove owner-occupancy requirements from properties with constructed ADUs. Owner-occupancy requirements create a barrier to ADU development and restrict the amount of rental property that can become available in our communities. The legislature removed owner-occupancy requirements for any ADU developed after 2020 and since then California has seen a boom in this type of affordable development. SB 9 brings parity for the estimated 10,000 homeowners that constructed an ADU prior to 2020 that still may have this deed-restriction on their home which constrains the market and decreases available rental opportunities."

Local Ordinances. Supporters of the measure note that previous legislation removed the ability of local agencies to require property owners to reside in either the primary dwelling or ADU; however, they note that some local ordinances still

require owner occupancy in some form. Supporters point to this as evidence of the need for clarification in ADU law. Given the complexity of ADU law, local agencies are required to submit ADU ordinances to HCD for review and HCD is tasked with providing technical assistance to local agencies regarding their ordinance, including any provisions on owner-occupancy.

ADU ordinance review. 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No
None.

SUPPORT: (Verified 8/28/25)

Abundant Housing LA
Apartment Association of Greater Los Angeles
Apartment Association of Orange County
Berkeley Property Owner's Association
California Apartment Association
California Rental Housing Association
California Yimby
Circulate San Diego
East Bay for Everyone
East Bay Rental Housing Association
East Bay Yimby
Fieldstead and Company, INC.
Fremont for Everyone
Grow the Richmond
House Sacramento
Housing Action Coalition
Leadingage California

Mountain View Yimby
Napa-solano for Everyone
Nor Cal Rental Property Association
North Valley Property Owners Association
Northern Neighbors
Peninsula for Everyone
Power CA Action
Redlands Yimby
Santa Barbara Rental Property Association
Santa Cruz Yimby
Santa Rosa Yimby
Sf Yimby
Small Property Owners of San Francisco Institute
South Bay Yimby
Southern California Rental Housing Association
Spur
Student Homes Coalition
Tahoe Housing Hub
The Two Hundred
Ventura County Yimby
Westside for Everyone
Yimby Action
Yimby LA
Yimby Slo

OPPOSITION: (Verified 8/28/25)

Association of California Cities - Orange County
California Association of Realtors
California Contract Cities Association
Catalysts for Local Control
City of LA Verne
City of Lake Forest
Equitable Land Use Alliance

ARGUMENTS IN SUPPORT: California YIMBY writes in support, “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.”

ARGUMENTS IN OPPOSITION: The City of Lake Forest writes in opposition to a previous version of this 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.”

ASSEMBLY FLOOR: 62-2, 8/28/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Jackson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Soria, Stefani, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Davies, Dixon

NO VOTE RECORDED: Alvarez, Berman, Boerner, Castillo, Chen, DeMaio, Gallagher, Hadwick, Irwin, Lackey, Sanchez, Solache, Ta, Tangipa, Valencia

Prepared by: Hank Brady / HOUSING / (916) 651-4124
8/28/25 16:57:35

**** **END** ****