

Date of Hearing: April 27, 2016

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 2406 (Thurmond) – As Amended April 18, 2016

SUBJECT: Housing: junior accessory dwelling units

SUMMARY: Allows a local agency to create an ordinance for junior accessory dwelling units in single-family residential zones. Specifically, **this bill:**

- 1) Defines a "junior accessory dwelling unit" to mean a unit that is no more than 500 square feet in size and contained entirely within a single-family structure. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
- 2) Defines a "local agency" to mean a general law or charter city, county, or city and county.
- 3) Provides that state law governing second units does not apply to junior accessory dwelling units.
- 4) Allows a local agency to create an ordinance for junior accessory dwelling units in single-family residential zones.
- 5) Provides that the ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit and shall do all of the following:
 - a) Limits the number of junior accessory dwelling units to be one per residential lot zoned for single-family residences with a single-family residence already built on the lot.
 - b) Requires the single-family residence in which the junior accessory dwelling unit is located to be occupied by the owner. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner occupancy is not required for a governmental agency, land trust, or housing organization.
 - c) Requires a deed to be recorded with the permitting agency that must include both of the following:
 - i. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction can be enforced against future purchasers; and
 - ii. A restriction on the size and attributes of the junior accessory dwelling unit.
 - d) Requires a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure and require the inclusion of an existing bedroom.
 - e) Requires a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the structure with an interior entry in to the main living room. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

- f) Requires a permitted junior accessory dwelling unit to include an efficiency kitchen which must include all of the following:
 - i. A sink with maximum width and length dimensions of 16 inches and a maximum waste line diameter of 1.5 inches;
 - ii. A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas;
 - iii. A food preparation counter and storage cabinets that are reasonable size in relation to the size of the junior accessory dwelling unit.
- g) Prohibits an ordinance from:
 - i. Requiring additional parking as a condition of granting a permit;
 - ii. Authorizing the imposition of a water connection fee as a condition of granting a permit;
 - iii. Authorizing the imposition of a sewer connection fee as a condition of granting a permit.
- 6) Provides that a local agency can require an inspection and impose a fee for the inspection to determine if the junior accessory dwelling unit is in compliance with the applicable building standards.
- 7) Provides that for purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit is not considered a separate or new dwelling unit.
- 8) A city, county, city and county or other local public entity may adopt an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit as long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether or not the residence includes a junior accessory dwelling unit or not.

EXISTING LAW:

- 1) After July 1, 2003, applications for a second unit shall be considered by local governments ministerially, without discretionary review or hearing, regardless of any local ordinance regulating the issuance of special use permits.
- 2) Provides that a local government may by ordinance provide for the creation of second units in single-family and multi-family zones.
- 3) Provides that a local ordinance for second units may do all of the following:
 - a) Designate areas where second units may be permitted based on criteria that may include consider the adequacy of water and sewer services and the impact on traffic flow;

- b) Impose parking standards, height, setback, lot coverage, architectural review, maximum size of a unit and standards that prevent adverse impacts on any property listed in California Register of Historic Places; and,
- c) Provide that second units do not exceed the allowable density for the lot on which it is located and that second units are a residential use that is consistent with the existing general plan and zoning designation on a lot.

FISCAL EFFECT: None.

COMMENTS:

Background:

Local governments are authorized to adopt ordinances for the creation of second units in single-family and multifamily zones; however they are not required to do so. State law allows local governments to limit the areas that second units may be permitted based on availability of adequate water and sewer services as well as the impact on traffic flow. They can also impose parking standards. In 2003, AB 1866 (Wright) Chapter 1062, Statutes of 2002, required that local governments approve a second unit ministerially without discretionary review or hearing or require a special use permit.

This bill would make clear that junior accessory units are not second units and are not be subject to the same restrictions and would allow local governments to adopt ordinances for junior accessory dwelling units. Junior accessory dwelling units are no more than 500 square feet and are bedrooms in a single-family home that have an entrance into the unit from the main home and an entrance to the outside from the junior accessory dwelling unit. These units have cooking facilities including a sink and stove but are not required to have a bathroom. Nothing prevents a local government from adopting an ordinance for junior accessory units now and AB 2406 would allow but not require a local government to adopt an ordinance for junior accessory units. If the ordinance requires a permit than the bill sets out requirements including that a local government could not require any additional parking, or charge a fee for a water connection, or a sewer connection as a condition of granting a permit for a junior accessory dwelling unit.

According to the sponsor, "after developing the concept for these flexible, independent living spaces and establishing them in local permitting code, it became obvious that we needed to accelerate the adoption of this timely solution for housing. Junior accessory dwelling units offer the opportunity to quickly create a low-cost, low-impact, and plentiful source of more affordable rental housing, while helping to defray some of the cost of homeownership. This makes both renting and owning a home in California attainable, while helping to stabilize the housing market junior accessory dwelling units increase the efficiency of homes, land use, infrastructure, water and energy. They also increase commerce in the community and reduce greenhouse gas emissions from commuter traffic. Junior accessory dwelling units qualify for the Regional Housing Needs Allocation (RNHA), which allows local jurisdictions more flexibility providing housing in the most affordable categories. Finally, as the cost of living escalates and the population ages, people of an ages find it increasingly difficult to find housing. In fact 84% of the people living in the state could not afford their living situation if they were coming in to the housing market today. Junior accessory dwelling units offer a market-based sustainable option for Californians to address the housing shortage and help stabilize the rising cost of living in the state that they love."

Purpose of this bill: According to the author, " AB 2406 puts Junior Accessory Dwelling Units (JADUs) in law and creates a streamlined, inexpensive permitting process and regulatory environment to facilitate development. JADUs are specifically created from repurposing spare bedrooms in homes creating a small, simple and flexible type of in-law apartment. This will allow for redevelopment of existing homes moving us back toward a multi-generational housing model that was common in California prior to WWII. The bill prohibits requiring additional parking, and applying water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home. It also eliminates requirements for fire separation and fire sprinklers, as the in-law apartment stays connected to the main living area through an adjoining door, building in the flexibility to have a second unit, while still allowing for single-family use. By passing AB 2406 we will remove barriers to development of JADUs that offer an abundant and viable source of low-cost, low-impact and high-benefit rental housing particularly in urban, costal zones, while making owning a home in the state more affordable, without the need for government subsidies."

Related legislation:

AB 2299 (Bloom) Requires, instead of allows, a local agency to, by ordinance, provide for the creation of second units in single-family and multifamily residential zones, and makes a number of other changes specifying what is required to be in the ordinance. This bill is in the Assembly Committee on Appropriations pending hearing.

Technical amendment:

On page 7, line 18 delete "resident" and replace with "residence"

Double referred: If AB 2406 passes this committee, the bill will be referred to the Committee on Local Government.

REGISTERED SUPPORT / OPPOSITION:

Support

Lilypad Homes (Sponsor)
AARP California
Association of Bay Area Governments
California Apartment Association
California Building Industry Association
California Fire Chiefs Association
City of San Rafael
Fire Districts Association of California
Local Government Commission
Marin Builders Association
Marin County Board of Supervisors
Napa County Board of Supervisors
North Bay Leadership Council
Sonoma County Board of Supervisors
US Green Building Council

Opposition

None on File

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