

Date of Hearing: January 15, 2020

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 953 (Ting) – As Amended January 6, 2020

SUBJECT: Land use: accessory dwelling units

SUMMARY: Amends Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) law to address chaptering errors. Specifically, **this bill:**

- 1) Specifies that, if a local agency has not acted upon the completed application for an ADU or JADU within 60 days, the application must be deemed approved.
- 2) Specifies that a local agency must approve one ADU and one JADU per lot under specified conditions.
- 3) Clarifies that a local agency must allow, within multifamily buildings, at least one ADU for every four dwelling units, and no less than one ADU.
- 4) Provides that the Legislature finds and declares that this bill is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution, and that therefore, the provisions of this act apply to all cities, including charter cities.
- 5) Provides that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

EXISTING LAW:

- 1) States that ADUs are an essential component of California’s housing supply (Government Code Section 65852.150).
- 2) Establishes requirements and standards for ADUs (Government Code Section 65852.2) and JADUs (Government Code Section 65852.22).
- 3) States that a local agency must act on the completed application for an ADU or JADU within 60 days, but does specify the implications for not doing so.
- 4) Requires that local agencies must approve one ADU or one JADU per lot under specified conditions.
- 5) Lacks clarity around the number of ADUs permitted within multifamily buildings, specifying that a local agency “may shall” allow one ADU for every for dwelling units.

FISCAL EFFECT: Unknown

COMMENTS:

Author's Statement: According to the author, "AB 953 corrects four typographical errors made during the chaptering process between AB 68 (Ting), AB 881 (Bloom), and SB 13 (Wieckowski) in 2019. Correcting these errors will provide necessary clarity as the bills go into effect this year."

Background: ADUs are additional living quarters that are independent of the primary dwelling unit on the same lot. ADUs are either attached or detached to the primary dwelling unit, and provide complete independent living facilities for one or more person, including separate access from the property's primary unit. This includes permanent provisions for living, sleeping, eating, cooking, and sanitation. JADUs are ADUs that are no more than 500 square feet and exist within single-family homes and have cooking facilities including a sink and stove but are not required to have a bathroom.

Summary of the Bill: ADUs have been identified as an important piece of the solution to California's housing crisis. Recognizing this, over the past few years, the legislature has passed a number of bills to ease zoning restrictions and expedite approval processes at the local level, which has contributed to the increased supply of ADUs throughout the state.

In 2019, the State enacted a number of bills to further facilitate the construction of ADUs, this included SB 13 (Wieckowski), AB 68 (Ting), and AB 881 (Bloom). As these bills nears adoption, they were amended by their authors to be compatible with each other. However, some errors were made in that process so that the bills were not perfectly compatible. These errors are reflected in the chaptered version, which is based on the last bill that was chaptered, AB 881.

This bill would correct four chaptering errors in the bill, as follows:

- It would include language from the enrolled version of SB 13 that specifies that, if a local agency has not acted upon the completed application for an ADU or JADU within 60 days, the application must be deemed approved. Current law states that a local agency must act on the completed application for an ADU or JADU within 60 days, but does not specify the implications for not doing so. The new language would therefore create clarity in the process for all parties.
- It would include language from the enrolled version of AB 68 that states that a local agency must approve one ADU and one JADU per lot with a single-family dwelling under specified conditions, including that the ADU and JADU is within the single-family or an accessory structure, they have exterior access from the single-family dwelling, and the side and rear setbacks are sufficient for fire and safety. Current law requires that local agencies must approve one ADU or one JADU per lot under these specified conditions.
- It would include language from the enrolled version of SB 13 that states that a local agency shall allow, within multifamily buildings, at least one ADU for every four dwelling units, and no less than one ADU. Current law states that local agencies "may shall" allow these units, which is subject to varied interpretations. The new language would therefore clarify the law for all parties.
- It would correct a grammatical error where an "on" is being changed to an "an" before the word "ordinance."

Related Legislation:

AB 68 (Ting), Chapter 655, Statutes of 2019: This bill makes changes to ADU and JADU. This bill would prohibit an ordinance from imposing a minimum lot size for an ADU, and would enable multiple ADUs on certain properties.

AB 881 (Bloom), Chapter 659, Statutes of 2019: This bill removes potential impediments to construction of ADUs in three ways: limits the criteria by which local jurisdictions can limit where ADUs are permitted; clarifies that ADUs must be ministerially approved if constructed in existing garages; and eliminates for five years the potential for local agencies to place owner-occupancy requirements on the units.

SB 13 (Wieckowski), Chapter 653, Statutes of 2019: This bill makes a number of changes to law governing ADUs including: prohibits local ordinance from requiring an applicant for an ADU to be an owner occupant; eliminates impact fees on ADUs that are 750 square feet or less and caps fees on ADUs that are 750 square feet or less to twenty-five percent.

Double referred: This bill was also referred to the Assembly Committee on Local Government where it will be heard should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

ADU Task Force East Bay
Bay Area Council
California Association of Realtors
California YIMBY
Casita Coalition
Non-profit Housing Association of Northern California
SPUR
TMG Partners

Opposition

None on file

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