



DISCLAIMER: This document is intended solely as an overview of California Accessory Dwelling Unit (ADU) laws. It is not legal advice regarding any jurisdiction's specific policies or any proposed project. Local staff should consult with their city attorney or county counsel regarding this document.

This document was updated as of May 22, 2026 and includes updates from laws passed during the 2025 legislative session as well as from the March 2026 HCD ADU Handbook.

State Laws Summary for Accessory Dwelling Units & Junior Accessory Dwelling Units

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Background & Definitions

Since January 1, 2020, the state has enacted several Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) laws to ease requirements and encourage the development of new housing units. These laws define what is considered an ADU and a JADU, set objective standards and set requirements for ministerial review for ADU and JADU projects. This summary includes information about the state law requirements, how to comply, and ways jurisdictions may go above and beyond state law to support ADU and JADU development. In 2024, the ADU and JADU statutes were renumbered as Government Code Sections 66310-66342.

Note: This document applies to ADUs that are required to be permitted ministerially under state law. However, a jurisdiction could allow for ADUs that do not meet the requirements under state law and adopt a separate discretionary permitting process for those ADUs. A discretionary process would have to be included in the ADU Ordinance.

Table 1: Accessory Dwelling Unit Definitions

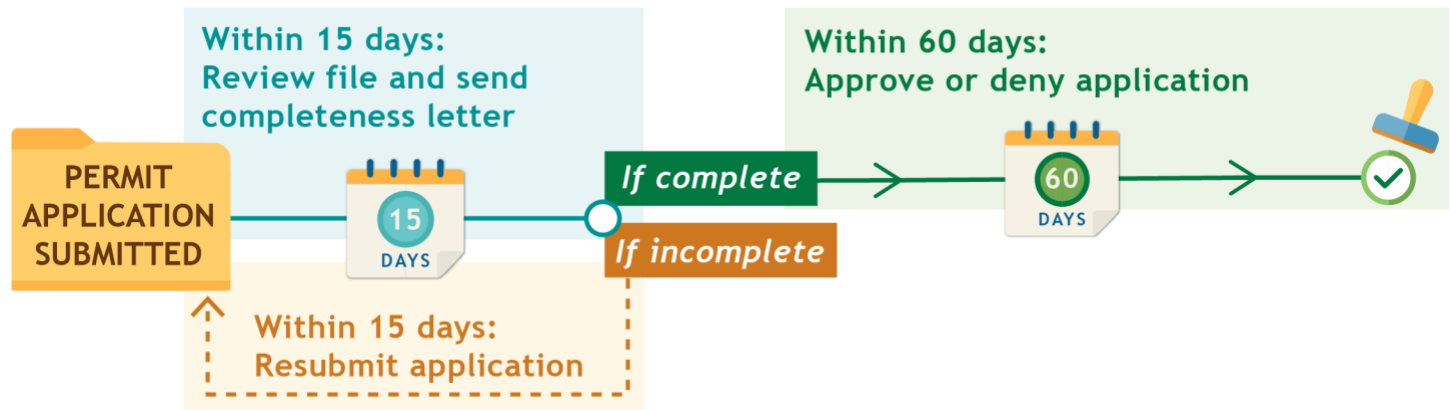
Development Type	Definition
Accessory Dwelling Unit (ADU)	ADU means a residential dwelling unit providing complete independent living facilities for one or more persons containing permanent provisions for living, sleeping, eating, cooking, and sanitation (tub/shower, sink, and a toilet), located on the same parcel as a single-family or multi-family dwelling. An ADU also includes an efficiency unit, as defined in Health and Safety Code Section 17958.1 and a manufactured home, as defined in Health and Safety Code Section 18007.
Junior Accessory Dwelling Unit (JADU)	A unit that is no more than 500 square feet of interior livable space in size; includes at least an efficiency kitchen including a cooking facility with appliances, food preparation counter and storage cabinets of reasonable size in relation to the size of the JADU; is contained entirely within an existing or proposed single-family residence, including an attached garage; and may include separate sanitation facilities or share sanitation facilities with the existing structure.

Development Type	Definition
State Exempt ADUs	Generally, “State Exempt ADUs” or “66323 Units” refer to ADUs and JADUs that are created pursuant to Government Code Section 66323. This section specifies five categories of ADUs/JADUs – single-family conversion ADUs, single-family JADUs, single-family detached ADUs, multi-family conversion ADUs, and multi-family detached ADUs – that must be approved ministerially and may not be subjected to standards in Government Code Sections 66314-66322, or any local objective development standards such as lot coverage, front setbacks, and design standards. They are, however, subject to the requirements contained in Section 66323, which are described in Table 2.
Detached ADUs	Newly constructed ADUs that are located on the same property as an existing or proposed single-family or multi-family residence and that are fully detached from the primary residence.
Attached ADUs	Newly constructed ADUs that are attached to and extend beyond the building plane of an existing or proposed primary home or accessory structure located on a single-family or multi-family property (e.g., ADU built on top of an attached garage, as a new second story of a single-family home, or in a newly constructed basement). HCD has provided an interpretation that an ADU attached to a detached accessory structure is an attached ADU.
Conversion ADUs	For single-family properties, conversion ADUs are created from the space within a proposed or existing primary home or within the existing space of an accessory structure. For multi-family properties, conversion ADUs are created from non-livable portions of an existing structure (meaning spaces that are not used for living, sleeping, eating, cooking, or sanitation).
Multi-Family Dwelling	For the purpose of State ADU Law, a structure with two or more attached dwellings on a single lot is considered a multi-family dwelling. Multiple detached single-family dwellings on the same lot are not considered multi-family dwellings for the purpose of State ADU Law.

ADU Project Processing Requirements

Most ADUs must be reviewed ministerially and are subject to state-prescribed processing requirements. When processing ADU permit applications, jurisdictions must adhere to the requirements explained below. As noted

above, if a jurisdiction wants to allow ADUs that exceed state requirements, they can opt to do so. The local jurisdiction can opt to allow ADUs that exceed the state requirements through either a ministerial or discretionary process. All local ADU standards must be adopted in an ADU ordinance.



Determination of Consistency/Approve or Deny

ADU and JADU applications must be reviewed ministerially, without a public hearing or discretionary review. As long as the ADU meets all of the jurisdiction's required objective development and building code standards, it must be approved.

Jurisdictions must determine whether an ADU or JADU application is complete within 15 business days of receiving it and provide written notice to the applicant. If the agency fails to issue this notice within 15 business days, the application is deemed complete.

If the application is determined to be incomplete, this written notice must include a list of the incomplete items and a description of how the application can be made complete. Such incompleteness letter must include an exhaustive list of the items that were not complete and may only require the completion of materials specified on the agency's submittal requirement checklist. After receiving an incompleteness letter, the applicant may remedy the incomplete items and resubmit. The resubmitted application is subject to the same 15-business-day completeness review timeline. On resubmittal, the jurisdiction may not request any new items beyond those listed in the initial incompleteness letter.

Once an ADU and JADU application is complete, the application must be approved or denied a permit within 60 days of receipt of a complete application. If an ADU is proposed in connection with a new primary dwelling, the review of the ADU may be delayed until the proposed primary dwelling is approved.

The 60-day review timeline applies to all permitting agencies, including local government departments, utilities, and special districts but may be paused at the applicant's request. If the jurisdiction has not approved or denied the complete application within 60 days, then the application is "deemed approved."

Denial of Applications

If an application is denied, a full set of comments with a list of deficient or inconsistent items and how those can be remedied must be provided. If an ADU permit has been issued, local agencies cannot withhold demolition permits or require public notice for the demolition of a garage being replaced by an ADU (unless it is in an architecturally and historically significant district).

Appeals

If a permitting agency determines that an application is incomplete or denies an application, it must provide the applicant with a process to appeal that decision in writing. The jurisdiction must provide the right of appeal to the governing body or, at the jurisdiction's option, to the planning commission – or both. The appeals body must issue a final written determination within 60 business days of receiving the applicant's written appeal.

Non-conforming uses

An ADU or JADU permit cannot be denied due to nonconforming zoning, building code violations, or other unpermitted structures that will not be impacted by the development of the ADU unless there is a threat to public health and safety. Correction of nonconforming zoning may not be included as a condition of approval for state exempt ADUs.

Pre-approved/Pre-reviewed Plans

A jurisdiction must complete review within 60 days of receiving a complete application for an ADU plan for pre-approval. A jurisdiction must complete review of a detached ADU within 30 days of receiving a complete application if a plan is either:

- Already pre-approved by the jurisdiction in the current three-year California Building Standards Code rulemaking cycle, or
- Identical to a plan used in an application for a detached ADU that was approved by the jurisdiction during the current California Building Standards Code rulemaking cycle.

If a detached ADU application using a pre-approved plan or identical plan is found to be different from the original plan, then it is subject to the 60-day timeline from receipt of a complete application. For more information about pre-approved ADUs visit the [Regional Housing Technical Assistance Program AB 1332 Information Sessions and Resources webpage](#).

State Exempt ADUs and JADUs (Government Code Section 66323)

Generally, "State Exempt ADUs" or "66323 Units" refer to ADUs and JADUs that are created pursuant to Government Code Section 66323. This section specifies five categories of ADUs/JADUs – single-family conversion ADUs and JADUs, single-family detached ADUs, multi-family conversion ADUs, and multi-family detached ADUs – that must be approved ministerially and may not be subjected to standards in Government

Code Sections 66314-66322, or any local objective development standards such as lot coverage, front setbacks, or design standards.

An ADU must be ministerially approved if it meets the requirements specified in Government Code Section 66323, thus qualifying it as State Exempt. A JADU that meets the requirements of Government Code Sections 66323, which incorporates by reference Sections 66333-66339, likewise qualifies as State Exempt and must be approved. No additional standards may be applied to State Exempt ADUs and JADUs. Tables 2 and 3 below describe those State Exempt ADU/JADU requirements that, if met, require the ADU/JADU application to be approved.

Table 2: Standards for State Exempt ADUs and JADUs (Government Code Section 66323)

ADU Standards	Requirements for State Exempt ADUs and JADUs
Zones Allowed	• ADU: All residential and mixed-use zones. • JADU: All single-family residential zones
Size	• Detached ADU: Up to 800 square feet of interior livable space on single-family properties. No maximum size may be imposed for State Exempt detached ADUs on multi-family properties. • Conversion ADU: Must be located within a proposed single-family home or an existing single-family home or accessory structure, or within the non-livable space of an existing multi-family dwelling. On a single-family property, an existing accessory structure may be expanded by no more than 150 square feet to accommodate ingress and egress. • JADU: Up to 500 square feet of interior livable space, must be located within an existing or proposed single-family home (which includes an attached garage).
Setbacks	• Detached: At least 4-foot side or rear setbacks for new construction. • Single-Family Conversion ADU and JADU: Must be sufficient for fire and safety.
Height	• Detached ADUs: Up to 16 feet • Detached ADUs within a ½ mile walking distance from a major transit stop or high quality-transit corridor: Up to 18 feet plus 2 feet to accommodate a roof pitch • Detached ADUs on a lot with a multi-family, multi-story dwelling: Up to 18 feet
Parking	• ADUs: No parking may be required, even if ADU replaces an existing garage, carport, or covered parking structure. • JADUs: No new parking may be required, even if JADU converts space in an attached garage.

ADU Standards	Requirements for State Exempt ADUs and JADUs
Access	• Conversion ADUs: Must have exterior access separate from the main entrance of the single-family home. Conversion ADUs in multi-family buildings may be served by the same common access routes to the outdoors that are used by existing units (e.g., interior hallways, staircases, elevators, lobby). • JADUs: Must have exterior access separate from the main entrance of the single-family home. If JADU does not include a separate bathroom, it must also include an internal connection to the main living area of the single-family home.

Number and Combination of State Exempt ADUs Allowed on a Property

The units in the table below must meet the standards described in Government Code Section 66323 (see Table 2, above). Jurisdictions may allow more ADUs on a property than what the state requires. An ADU application may not be denied due to maximum density requirements.

Table 3: ADUs Allowed by Property Type (Government Code Section 66323)

Property Type	Number and Combination of Units Allowed
Single-family	Up to three State Exempt accessory units: • One Detached ADU: Up to 800 square feet of interior livable space; • One Conversion ADU; and • One JADU. * HCD's 2026 ADU Handbook provides that, in addition to these State Exempt units, one non-exempt ADU that meets the requirements of Government Code Section 66314 is allowed on a property.
Multi-family	• Detached ADU: Up to eight on properties with an existing multi-family dwelling (not to exceed to the number of existing primary units); must be detached from the primary units; up to two on properties with a proposed multi-family dwelling, AND • Conversion ADU: At least one, up to a number equal to 25% of the existing multi-family dwelling units in portions of the structure not used as living space; for example, parking, storage, gyms. * JADUs are not allowed on multi-family properties.

Property Type	Number and Combination of Units Allowed
	* HCD's 2026 ADU Handbook provides that, in addition to these State Exempt units, one non-exempt ADU that meets the requirements of Government Code Section 66314 is allowed on a property.

All Other ADUs

For ADUs that do not qualify as State Exempt ADUs per Government Code 66323, jurisdictions may, through a local ordinance, establish objective development standards that are consistent with the restrictions in Government Code Sections 66314-66322. Local ordinances are allowed to be less restrictive than state requirements for ADUs (for example allowing a taller maximum height).

Jurisdictions may adopt objective standards for non-exempt ADUs in a local ADU ordinance, such as height, open space, lot coverage, landscaping, size, etc. However, these objective standards may not prohibit the construction of an attached or detached ADU that is no more than 800 square feet of interior livable space with 4-foot side and rear setbacks. The scope of the objective standards that may be imposed are further limited by state law requirements; for example, state law imposes a maximum number of parking spaces a jurisdiction can require for ADUs and JADUs as well as limits the height and size requirements a local ordinance may impose.

If a local ADU ordinance is not compliant with state law, the local agency must apply state standards for approval of ADUs. Additional information is available from the California Department of Housing and Community Development on their website and in their ADU Handbook.

The following two tables describe standards as mandated by state law.

Table 4: State Standards for ADUs (Government Code Sections 66314-66322)

ADU Standard	State Minimum Requirements
Zones Allowed	All residential and mixed-use zones with limited exceptions, based on traffic flow, water, sewer, or public safety (no exceptions for ADUs that meet Government Code Section 66323).

ADU Standard	State Minimum Requirements
Size	• Minimum size: As small as 150 square feet. • Maximum size: May increase the maximum permitted ADU size but must allow: ○ Detached: At least 850 square feet of interior livable space for a studio/one-bedroom and 1,000 square feet of interior livable space for a 2+ bedroom ADU (or up to 1,200 square feet for jurisdictions without a local ADU ordinance). ○ Attached: At least 850 square feet of interior livable space for a studio/one-bedroom and 1,000 square feet of interior livable space for a 2+ bedroom ADU. If there is an existing main structure, jurisdictions may cap the maximum size allowed at the greater of (1) a percentage of the existing primary dwelling or (2) 850 square feet of interior livable space for studio or one-bedroom and 1,000 square feet of interior livable space for a 2+ bedroom ADU. Jurisdictions without a local ADU ordinance must allow up to 50% of the existing primary dwelling, which cannot prohibit the construction of an ADU that has 800 square feet of interior livable space or less.
Setbacks	• Side and rear: No more than 4-foot side or rear setbacks for new construction (may reduce required side and rear setbacks to less than 4 feet). • Front setbacks: Front setbacks may be applied, but they cannot preclude an ADU of at least 800 square feet from being built, even if the ADU would be partially or wholly within the front setback. • Setbacks for rebuilds: No additional setbacks required; applicants may use the footprint of the existing building so long as it is sufficient for fire and safety.
Height	Jurisdiction may increase allowable height but must allow at least: • Attached ADUs: Up to 25 feet or the maximum allowed by the underlying zoning, whichever is lower (allows for ADUs built above attached garage). • Detached ADUs: Up to 16 feet • Detached ADUs within a ½ mile walking distance from a major transit stop or high quality-transit corridor: Up to 18 feet plus 2 feet to accommodate a roof pitch (allows for two-story ADUs) • Detached ADUs on a lot with a multi-family, multi-story dwelling: Up to 18 feet

ADU Standard	State Minimum Requirements
Parking	Jurisdiction may waive all parking requirements for ADUs. Otherwise: - One parking space per ADU may be required Exceptions: No parking can be required if ADU is: - A State Exempt ADU, - A studio, - A conversion ADU, - Within ½ mile walking distance of public transit, - Within an architecturally and historically significant historic district, - Within one block of car share, - Not provided required on-street parking permits (if applicable), or - A permit application for an ADU is submitted with a permit application for a new single-family or multifamily dwelling on the same lot, provided the ADU or parcel satisfy all criteria listed in Government Code Section 66322(a)(1)-(5). Replacement Parking: None can be required for ADUs. - Tandem parking and parking in setbacks allowed.
Local Standards	Jurisdiction may not impose FAR, lot coverage, size, front setback, or open space requirements that do not permit at least an ADU with 800 square feet of interior livable space with 4-foot side and rear setbacks.
Density	An ADU application may not be denied due to the lot's maximum density requirements.

Rules for ADUs and JADUs

ADUs and JADU are subject to rules defined by the State. The table below explains the rules that jurisdictions must follow.

Table 5: ADU and JADU Rules (Government Code Sections 66311.5, 66311.7, 66314, 66315, 6323, 66329, 66333, 66341, 66342; Civil Code Sections 714.3 & 4751)

Rules	Overview
Occupancy	ADUs: Owner occupancy cannot be required. JADUs: Owner must live in the JADU or primary home if the JADU shares sanitation facilities with the existing primary home and the owner is not a government agency, land trust, or housing organization.

Rules	Overview
Sale	• ADUs: Must be allowed to be transferred to buyers as tenants in common if a qualified nonprofit corporation built or developed the primary home and/or ADU (additional requirements apply), and it would be sold to a qualified buyer. Jurisdictions can adopt an ordinance to allow for the separate sale of ADUs from the primary dwelling as condominiums. • JADUs: Separate sale not allowed (requires a deed restriction to prohibit separate sale).
Impact Fees	• ADUs: No impact fees allowed for ADUs under 750 square feet of interior livable space. For ADUs over 750 square feet of interior livable space, fees must be proportional to primary home. • JADUs: No impact fees allowed.
Utility Fees	• ADUs and JADUs cannot be considered a new residential use for the purpose of calculating utility connection fees or capacity charges (unless built with a new single-family home). • Converted ADUs and JADUs cannot be required to provide new or separate utility connections between the ADU and the utility (unless built with a new single-family home). • Connection fee/capacity charge must be proportionate to the primary home.
Amnesty	• Must approve a permit to legalize a pre-2020 ADU or JADU even if it is in violation of building standards, state ADU/JADU Code, or local ADU/JADU ordinances, unless the ADU or JADU is deemed substandard pursuant to Health and Safety Code Section 17920.3.
Rentals	• State Exempt ADUs: Cannot be used as short-term rentals (30 days or less). • Non-Exempt ADUs: Jurisdictions may adopt an ordinance allowing (or prohibiting) short-term rentals of other ADUs. • JADUs: Cannot be used as short-term rentals (30 days or less).
Historic Resources	• ADUs and JADUs are allowed in historic districts and on lots where the main home is subject to historic preservation. • Local agencies can impose standards that prevent adverse impacts on properties listed in the California Register of Historical Resources. • State Exempt ADUs: Historic standards do not apply.

Rules	Overview
Coastal and Hazard Zones	Additional state regulations may apply in designated zones including coastal zones, fire hazard and other hazard zones.
Homeowners Association (HOA)	- HOAs can set reasonable objective design guidelines for ADUs/JADUs. - HOAs may not prohibit or unreasonably restrict the construction or use of ADUs/JADUs and may not prohibit renting an ADU/JADU.¹

HCD Oversight of Local ADU and JADU Ordinances

When a jurisdiction adopts an ADU or JADU ordinance, it must submit the ordinance to the Department of Housing and Community Development (HCD) within 60 days. After receiving the ordinance, HCD may issue written findings regarding whether the ordinance complies with state law. If HCD identifies areas of noncompliance, the jurisdiction has 30 days to respond. During that period, the jurisdiction must either amend its ordinance to address HCD's findings or readopt the ordinance without changes and adopt written findings explaining why the jurisdiction believes the ordinance complies despite HCD's concerns.

If the jurisdiction does not amend the ordinance or provide findings responding to HCD, then HCD must notify the jurisdiction and may also notify the Attorney General that the jurisdiction is in violation of state law. Before referring the matter to the Attorney General, HCD may consider whether the jurisdiction had a compliant ordinance between January 1, 2017, and January 1, 2020.

If a jurisdiction fails to submit its ADU or JADU ordinance to HCD within 60 days of adoption or fails to respond to HCD's findings of noncompliance within 30 days, the ordinance becomes **null and void**. In that situation, the jurisdiction must apply the state's default standards for ADU or JADU approvals until it adopts a compliant ordinance and satisfies all submittal requirements.

¹ A San Diego Superior Court ruling issued in April 2026 held that Civil Code Section 4751, which limits the restrictions HOAs can place on the development and use of ADUs/JADUs, does not apply to condominiums or to properties that are not zoned exclusively for single-family use. Ben Christopher, *California HOA Triumphs Over ADU Law*, CalMatters (Apr. 6, 2026), <https://calmatters.org/housing/2026/04/hoa-adu-carlsbad-california/>.

Other Recent ADU Laws and Resources

Pre-Approved ADU Plans

AB 1332, effective January 1, 2024, requires jurisdictions to develop a program to pre-approve ADUs. For more information visit the [Regional Housing Technical Assistance Program AB 1332 Information Sessions and Resources webpage](#).

Legalizing Unpermitted ADUs (Amnesty)

State law requires jurisdictions to approve permits to legalize a pre-2020 ADU/JADU unless it is deemed substandard per Health and Safety Code Section 17920.3. Jurisdictions are also required to post legalization information on their websites, including checklists listing conditions considered substandard and informing homeowners that they may obtain a confidential third-party inspection from a licensed contractor before submitting an application to legalize a pre-2020 ADU/JADU. For more information visit the [Regional Housing Technical Assistance Program Accessory Dwelling Unit Technical Assistance Guidance webpage](#).

ADU Condoization (Separate Conveyance)

AB 1033, effective January 1, 2024, enabled jurisdictions to allow the separate sale of ADUs as condominiums. For more information, visit the [Regional Housing Technical Assistance Program Accessory Dwelling Unit Technical Assistance Guidance webpage](#).