



Professional Standards Committee Highlights

NEW ACCESSORY DWELLING UNIT (ADU) LEGISLATION



In 2019, the State Legislature enacted a handful of new laws (with Senate Bill 13 and Assembly Bills 68, 587, 671 and 881) that further limit local regulation of Accessory Dwelling Units (ADUs). The goal of the new bills is to accelerate ADU development throughout the State, in response to the overall housing shortage. The new laws became effective January 1, 2020.

With regard to Development Impact Fees (DIF), Senate Bill 13 exempts DIFs for smaller ADUs and requires a specific method of fee determination for larger ADUs. Specifically, DIFs and Quimby in-lieu fees may not be imposed on the construction of ADUs less than 750 square feet. ADUs of 750 square feet or more must be charged proportionately in relation to the square footage of the existing primary dwelling unit on the parcel. Water/sewer connection fees and capacity charges are generally exempt from these restrictions. Note that existing law requires that an ADU within the existing space of a single-family residence or accessory structure (with some small allowances) cannot be required to install a new or separate utility connection and may not be considered a new residential use in the determination of water/sewer connection fees and capacity charges. However, an ADU that is not within an existing structure may require a new or separate utility connection, and the connection may be subject to a connection fee and/or capacity charge.

Additional information can be found in the League of California Cities' 2019 Legislative Report, which is located online at <https://www.cacities.org/Resources-Documents/Policy-Advocacy-Section/Legislative-Resources/Legislative-Reports/2019-Legislative-Report.aspx>.

If you have questions regarding this topic, contact Jason Al-Imam, Chair of the Professional Standards Committee at standards.chair@csmfo.org.

The Professional Standards Committee operates as a technical resource to CSMFO members. The Committee is comprised of municipal and commercial members whose mission is to keep members informed of emerging issues and best practices.
