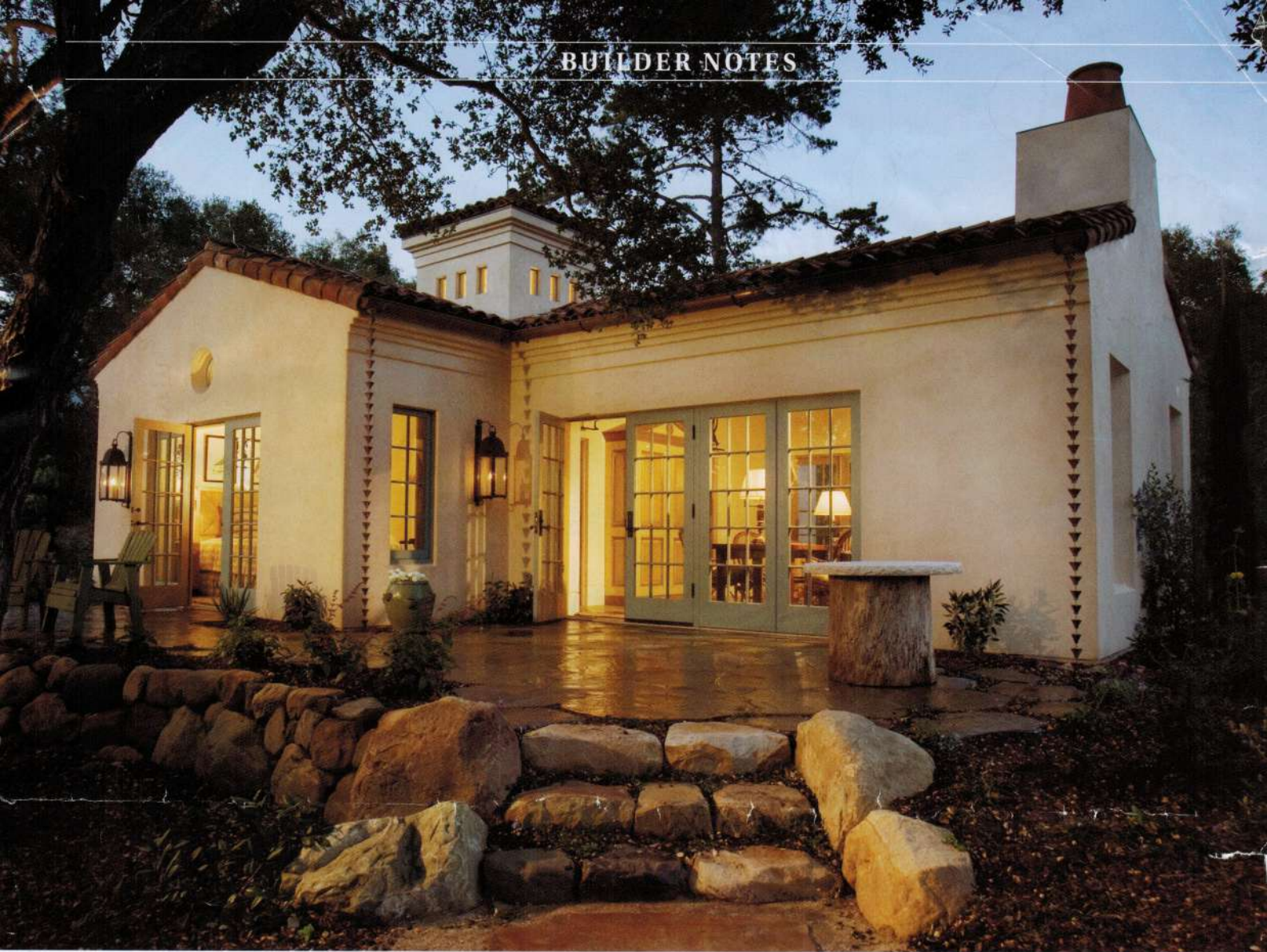




Accessory Dwelling Units 101

BY BRYAN HENSON

California is facing a housing crisis. According to a report issued in May by Gov. Jerry Brown's Department of Finance, the population in California grew by 2.3 million people since 2010, however only 400,000 housing units were added during the same time frame. Fortunately, a new law effective January 1, 2017, is available for homeowners to help solve the housing problem while providing a potential source of additional income.

California's new accessory dwelling unit (ADU) law allows small ADUs to be built on single family lots. Previously, ADUs were limited to specific lot sizes and zoning requirements, and in most cases they were not allowed to have a full bathroom or a full kitchen.

The new ADU law allows for units to be built up to 1,200 square feet. They can be attached or detached, and there is even a provision to convert garages into ADUs. They can have full bathrooms and full kitchens, and can use the existing utility hook-ups as long as they are sufficient to accommodate the new use. Although they cannot be sold separately from the primary dwelling, they can be rented.

One notable change is that local planning and building departments must approve the units within four months of an owner submitting an application that meets local and state requirements. Where some jurisdic-

tions used to require discretionary review and notifying neighbors, the new law does not have these requirements.

Prior to this new law, homeowners were often not allowed to build ADUs because of parking limitations. Similar to previous requirements, each new bedroom added requires an additional parking space. However, the law does allow for some exceptions. Tandem parking is counted as additional parking. The parking requirement is waived if the ADU is within one half-mile of public transit, is within a historic district, or has a car-sharing pod within one block. Additionally, if the ADU is built within the existing footprint (for example, in place of the garage), then no additional parking is required.

Not everyone will be able to take advantage of the new law. Zoning setbacks, height limitations, and parking requirements will block some homeowners from building ADUs. In an age when regulatory requirements seem to be getting ever more stringent and difficult, this law should help add housing capacity while providing means for some homeowners to supplement their income in a way that is significantly easier under the new law.

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