

**Six Major Changes in California’s ADU rules, Effective 1/1/2020**

Amendments adopted through AB68, AB881, and SB13

Prepared by ADU Task Force (East Bay), 11/29/19

1. **Garage demolition allowed with ADU Conversions:**

If you want to convert a garage, or any other accessory structure, to an ADU, you may demolish the accessory structure and replace it with an ADU of comparable dimensions. The replacement structure may keep the setbacks of the original structure. The code allows a 150 sq. ft. expansion for purposes of “egress and ingress” but we’re not sure yet how that’s going to be interpreted.

1. **No Replacement Parking:**

Local governments may no longer require replacement parking if it’s necessary to remove a garage or parking pad in order to build an ADU.

1. **5-year hold on Owner Occupancy** **Requirement**

Local governments may not require owner occupancy for ADUs five years, 1/1/2020 through 1/1/2025. During this period, they may still enforce the existing owner occupancy requirements. Currently building a Junior ADU requires owner occupancy but we’re asking for an interpretation on this issue.

1. **“Exemption ADU” allowed on all lots:**

A key element in these amendments is the guaranteed “exemption ADU”. On any residential lot, one can build an 800 sq. ft. free standing ADU up to 16 ft. tall, located no more than 4 ft. from the property lines. These units are exempt from any local standards that would prevent it from being built, such as lot coverage, required open space.

1. **Junior ADUs allowed now by right**

The state now requires all jurisdictions to permit Junior ADUs by right, just as they do for ADUs. And Junior ADUs no longer must have an internal doorway connecting them to the main dwelling or be converted from a bedroom.

1. **Multiple units per lot**

These amendments have been nicknamed the “triplex” rules because they allow every single-family lot to have up to three units – one freestanding ADU; one Junior ADU in the main dwelling; and the main dwelling. In addition, multi-unit structures may now have ADUs, both in the main structure (using currently unused non-habitable space) and freestanding.

*References: From adopted bills (AB 881, SB 13, and AB 68). AB 881 amends Section 65852.2 of the state code; SB 13 amends Section 17980.12 of the state Health & Safety Code; and AB 68 amends Section 65852.22. If you would like more detailed summaries of these new amendments and the adopted language, please contact either of us: Debbie Sanderson,* *debsanderson51@gmail.com* *or Kathy Crandall,* *kcrand1111@aol.com**.*