

Categorizing California's Policy Interventions for Accessory Dwelling Units and its Impacts on California's Housing Crisis

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MASTER OF PUBLIC POLICY AND ADMINISTRATION

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Executive Summary

My Culminating Project presents original research that examines how California legislation since 2016 has promoted the development of Accessory Dwelling Units (ADU) in California. Research shows that ADUs have the potential to provide affordable housing and are one potential solution to address California's robust housing crisis. My research begins with a discussion of California's housing crisis and the stakeholders, ballot initiatives, and history of why California continues to face a significant housing problem in the state. I then detail what ADUs are and how the legislature has increased its efforts in recent years to promote these kinds of development through legislation.

I use descriptive categorical research to specify how legislation in California is attempting to address the ADU development process. My analysis conducts a robust literature review by using online legislative databases that detail all the bills passed by the California legislature during each legislative session since 2016, narrowed to specific bills around ADUs. I then interpret the laws and put them into four categories that address varying steps in the housing permit review process beginning with planning, land use, and zoning in category one, the building permit review process for health and safety measures in category two, the specific regulatory barriers to ADU development in category three, and a discussion about bills and budget items that provide financial resources to homeowners and local governments in category four to promote ADU development in California.

My analysis then uses the California Department of Housing and Community Development's Annual Progress Report Dashboard which provides self-reported public data by local governments in meeting their Regional Housing Needs Allocation (RHNA) numbers and the types of development projects within each respective California jurisdiction in the previous

RHNA cycle. To narrow my research, I specifically look at three different-sized cities: Los Angeles, Sacramento, and Roseville which have varying demographics, income levels, and population sizes to show how ADU legislation has resulted in promoting the development of very-low-income, low-income, moderate-income, and above-moderate-income ADU development within each jurisdiction. Additionally, my research shows that due to new legislation passed from 2016 to 2023 all the jurisdictions studied in this report have seen a significant increase in the development of ADUs compared to before state intervention. However, the results of the specific income levels that benefit from this kind of development vary in each case study. I conclude the section with takeaways of what the statistics mean.

My research concludes that although local governments have seen a significant increase in ADU development in California, the income levels benefiting from ADU development vary by jurisdiction. The City of Los Angeles has permitted the highest number of ADUs in the case studies, however, the units built tend to favor residents that make greater than 120% of Area Median Income. This means that higher-income residents are benefiting more from ADU production than lower-income Los Angeles residents. On the other hand, the City of Sacramento and the City of Roseville have permitted lower numbers of ADUs in the respective jurisdictions, however, the ADUs built within the jurisdictions tend to support residents making 0-80% of Area Median Income. This means that in those jurisdictions low-income residents are benefiting from ADU development in those areas. I conclude that although ADUs have increased due to the new legislation, each jurisdiction is unique, and ADUs may not be the main solution to California's robust housing crisis.

1. Introduction

California's Housing Crisis

California is facing a significant housing crisis as 79% of extremely low-income renters are paying more than half of their income on housing costs compared to 6% of moderate-income renters (Mazzella, 2023). 2.5 million households are cost-burdened or spend more than 30% of their income on housing (Legislative Analyst's Office, 2023). Meanwhile, California state officials argue that the state needs to build 180,000 new housing units each year to meet demand despite the declining population. California is building half of those units annually when adjusted for losses to old age, fires, and other natural disasters as construction continues to slow with the sharp increases in interest rates nationwide (Walters, 2023).

Since the 1940s, California's housing and rental costs have increased much faster than the national average. As of 2015, California home prices were two and a half times higher than the national average. Several factors drive California's high housing costs including the lack of supply to meet demand, the cost of land in California especially on the coast, expensive development fees, and the influence of local government on housing development in their community. One of the major reasons California lacks supply to meet demand is that California is a desirable place to live with its diverse geography, beautiful coastlines, and moderate climate (Taylor, 2015). At the same time, the rise of several political movements including the support for environmental regulations through the establishment of the California Environmental Quality Act (CEQA) in the 1970s and 1980s and the passage of Proposition 13 (Prop 13) during the taxpayer revolt have made it harder for housing to be built (Gill & Schuetz, 2023).

CEQA, which requires developers to go through a complex legal and environmental review process, has made it easier for Not in My Backyard Voters (NIMBY) to limit or delay

infill development and other climate-friendly projects. NIMBYs are anti-growth homeowners who are older, wealthier, and whiter than California's overall population. NIMBYs fight against new development due to concerns that the property values or characteristics of their neighborhoods will decrease (Gill & Schuetz, 2023). Since local governments respond to local community needs, districts may be less likely to promote new development. As a result, coastal cities and counties have been resistant to new housing, thus stunting the growth of communities and reducing California's housing supply (Taylor, 2015).

Prop 13 was a voter initiative passed in 1978 that capped property tax increases resulting in a motivation of long-term homeowners to stay in their homes in exchange for friendlier tax benefits. Due to Prop 13, local governments are more motivated to promote commercial development, luxury housing, and moderate-income rental complexes in their jurisdiction as these properties have higher impact fees and tax revenue necessary for local governments to provide services to their communities (Gill & Schuetz, 2023). CEQA and Prop 13 have provided more ammunition for local governments to restrict development and counter projects based on environmental and financial concerns. As a result, local control has become a key issue that local governments have continuously advocated for in Sacramento as restrictive zoning or other local regulations have limited opportunities for affordable housing development in California.

In response, a new pro-housing political movement called Yes in My Backyard (YIMBY) has sprouted up in California and has pushed state and local officials to adopt legislation to promote more affordable housing development to counteract the NIMBY movement. This movement focuses on reducing local government control in housing development and has made the state the oversight body for housing in California (Gill & Schuetz, 2023). Due to YIMBYs, California's political pendulum has swung back and increased

the number of policy interventions the legislature has taken to promote housing in California. YIMBYs have successfully advocated for new housing solutions at the state level including reducing zoning and planning control for local governments, increasing requirements for local governments to meet affordable housing needs through the Regional Housing Needs Allocation (RHNA) process, developing new kinds of affordable housing such as Accessory Dwelling Units (ADU), and promoting low-income development through nonprofit grants and state funding.

One of the major pieces of legislation that have impacted local governments is the requirement for local districts to provide a housing element every five to eight years depending on what cycle is best for each respective jurisdiction. Established in 1969 through state law, the legislation requires local governments to adopt a blueprint for how their communities will develop and grow in the future through a housing element and a general plan. The housing elements of the general plan analyze regulatory systems that provide opportunities for housing and do not limit housing development (California Department of Housing and Community Development, n.d.). If a jurisdiction fails to comply with housing element law a variety of penalties kick in including lawsuits, loss of permitting authority, financial penalties, court receivership, and streamlined ministerial approval processes among others (Association of Bay Area Governments, 2021). On the other side, there are several financial incentives that local governments receive when complying with housing element law such as specific state grants and loans from the California Department of Housing and Community Development (HCD) (Association of Bay Area Governments, 2021). Despite California's best efforts to promote housing, there is still a significant housing crisis. In response, the state has gotten more involved in housing legislation within the last decade or so.

This report will cover one of the more recent approaches to legislation, the promotion of Accessory Dwelling Unit construction across the state. This research is necessary as the literature has been relatively minimal in analyzing how California has promoted ADU development through state legislation and its successes. The intended audience for this report is stakeholders interested in California housing policy, policymakers, and the research field to provide clearer guidance on what housing laws have passed and how we can critically consider these types of policy interventions as ADUs begin gaining more national momentum in state legislatures. The remainder of this report includes five more sections. The first section covers background on ADUs and common definitions for this report. The last section covers three case studies to show how local governments have responded to state pressures to promote ADU development in California and provides examples of how local housing development has evolved since legislation passed.

To respond to this robust housing shortage California has successfully passed 26 bills on Accessory Dwelling Units from 2016 to 2021 to help lessen the burden on renters and promote more affordable housing in the state (Week, 2021). Additionally, it is an annual tradition in the legislature to introduce new legislation around these promising kinds of developments to further increase California's housing supply. There are four specific categories the California Legislature has addressed that I will cover throughout this report. The four categories are: planning and zoning law/land use policy, the ADU permitting process, regulatory barriers to ADU development, and financing ADUs in California. In summary, my policy statement is that: **In recent years, California has used a variety of policy interventions to promote the development of Accessory Dwelling Units in California as one potential solution to addressing the state's robust housing crisis.** ADUs have continued to be controversial in

California, thus the purpose of this master's report is to add to the conversation by providing an organized manner to critically analyze the different state interventions California has recently enacted via legislation to better understand this potential housing solution from a local and state-level perspective.

What is an Accessory Dwelling Unit?

Accessory Dwelling Units or ADUs are known as secondary units, granny flats, backyard cottages, and in-law units (Chapple, et al., 2020). California's Department of Housing and Community Development (HCD) defines an ADU as "an accessory to the primary residence that has complete independent living facilities for one or more persons" (California Department of Housing and Community Development, 2022). In other words, Accessory Dwelling Units are secondary housing located on the same lot as the main residence and are an addition to the primary habitable space.

There are several varieties of ADUs including detached units that are separate from the primary structure such as a renovated shed or smaller unit on the residential lot, an attached unit that is directly connected to the house such as a basement that is located on the bottom floor, or a converted existing space that is an independent living unit such as a converted garage or storage area to a residential unit. Additionally, Junior Accessory Dwelling Units (JADU) is a specific type of conversion of existing space within a single-family residence such as a master bedroom or extra room in the house (California Department of Housing and Community Development, 2022). To be clear, the examples provided are not the only specific types of ADUs developed but broadly ADU development falls into four specific types: attached, detached, converting existing space, and JADUs. For this project, I specifically focus on ADUs as opposed to JADUs although

several legislative measures covered in the report will crossover both types of development. Next, I provide a blueprint of what to expect for the rest of the paper.

A Blueprint of the Research

This report begins by introducing California's robust housing crisis, discusses California's push for Accessory Dwelling Units through state legislation, and details relevant definitions. In the next section, I review the relevant literature around Accessory Dwelling Units including a discussion of the history of ADUs in California, the arguments for and against ADUs, and summarize the statistics of the number of permitted ADUs in California before and after legislation passed the legislature. In the third section, I discuss the methodology of the research project, its relevance to the field, and what specific research approach this report takes including how this research type works. In section four, I detail the major categories of bills that have become California law and discuss the specific state policy interventions the legislature has taken to promote ADUs in California. In section five, I provide case studies about specific authorities before and after state intervention. Finally, I conclude with takeaways of the results in section six.

2. Literature Review

History of ADUs

Accessory Dwelling Units have been around the United States (U.S.) since the early part of the 20th century. In the 1920s and 1930s, larger estates and mansions had extra units to house workers in the U.S. By the mid-20th century, ADUs became less common as local governments began adopting zoning regulations that limited the type of housing that developers could build in the community. Local governments during this time focused on promoting the development of

single-family housing across the U.S. resulting in a reduction of accessory units within their respective communities (Sheild & Luberoff, 2023).

In California, ADUs became a common approach to building new housing units, especially in the San Francisco Bay Area. In 1960, researchers estimated that San Francisco had between 20,000 and 30,000 ADUs in the community but 90% of the developments were illegal (Brinig & Gamett, 2013). To help further the discussion about the comeback of ADUs for extra housing units, California passed SB 1534 in 1982, which allowed local governments to legally permit backyard homes (Mukhija, Cuff, & Serrano, 2014). Additionally, a 1990 federal advisory commission focused on housing-related regulations encouraged cities to promote the development of ADUs, reduce exclusionary zoning, and make it easier to build multifamily housing in the United States (Gabbe, *Changing Residential Land Use Regulations to address high housing prices*, 2019). In 2003, California again passed legislation to further increase the production of ADUs by passing AB 1866 which required local governments to ministerially approve ADU applications instead of through a discretionary process (Mukhija, Cuff, & Serrano, 2014). Ministerial approval prohibits a local official from using personal judgment when reviewing a permit and is a streamlined permitting process for development projects. Discretionary approval on the other hand is where local governments hold public hearings on a proposal which can bring uncertainty and lengthy review processes (CityStructure, 2021). Although California was an early adopter of policies promoting accessory dwelling unit development, nationally the political winds picked up for friendlier ADU policies in the United States in the mid-2010s (Sheild & Luberoff, 2023). Finally, California began promoting more accessory dwelling units from 2016 to 2021 when it passed over two dozen bills related to ADU regulation in the state (Week, 2021). To better understand why ADUs have grown in importance

for California-specific legislation, I cover the pros and cons of ADUs based on relevant literature in the next section.

Pros of ADUs

Accessory Dwelling Units (ADU) are significantly cheaper to build compared to new single-family homes. An ADU project involves developing smaller residential structures on an existing lot, eliminating the need to pay for expensive land costs while having readily available infrastructure to hook up the unit thus reducing the cost of projects (California Department of Housing and Community Development, 2022). The potential problem of increased development is that in older communities, the utility infrastructure, parks, schools, roads, and other community benefits may not be able to support the same quality of service to existing residents as new people move into ADUs. Homeowners can also use ADUs to offset part of their mortgages or taxes by charging rent which could reduce long-term costs to individuals who are older or have younger families working to pay off their residences (Nichols & Adams, 2015). In places such as Oregon and Washington, appraisers estimated that some properties that had detached ADUs on the lot increased property values by almost 25%. From an economic perspective, increasing the supply of housing provides a benefit to all renters as more people will be in the market thus reducing rents to provide more affordable housing options. As a result, ADUs provide natural affordable housing in communities (Sheild & Luberoff, 2023).

Outside of cost benefits, ADUs provide the opportunity to reduce urban sprawl by more efficiently using developed land (Nichols & Adams, 2015). In addition, ADUs may create more diverse neighborhoods as the wider market can live in more expensive areas due to lower rental costs. From an environmental perspective, ADUs use less energy for heating and cooling which results in significant environmental benefits for the community as they tend to be smaller, more

compact units (Sheild & Luberoff, 2023). Finally, ADUs can provide a better quality of life for older adults by providing opportunities for them to navigate their space without assistance and promote independent living (Nichols & Adams, 2015).

Cons of ADUs

Although ADUs have the potential to increase affordable housing options in California, there are several challenges with this kind of development. Several major points of contention with ADUs include the increased density of neighborhoods, the decreased number of on-street parking spaces available to the community, and the increased demand for utility and public works services that new development creates (Kim, Baek, Garcia, & Wen, 2023). These are important questions as density could have an impact on several aspects of residents especially from a privacy perspective or from blocking views of high-cost areas such as coastlines or more rural open space areas in the state. Decreasing the number of on-street parking spaces is also an important concern as California has over 31 Million cars registered in the state as of 2021, which means nearly 80% of California's population has a car that would need parking available to keep the vehicles when not in use (Carlier, 2023). Finally, as housing units increase, local governments and residents need upgraded infrastructure for electrical, sewer, and other public works to provide a livable house.

Initial research focusing on the locations where ADUs have sprouted up has been a mixed bag of results. One of the major trends according to UC Berkeley's Center for Community Innovation is that the majority of ADU construction is occurring in areas with high home values and incomes. It also shows that neighborhoods that have the lowest median household income have lagged in the construction of ADUs. Just 2% of property owners with lower home values have permitted or completed ADUs, while 40% of property owners that have above-median

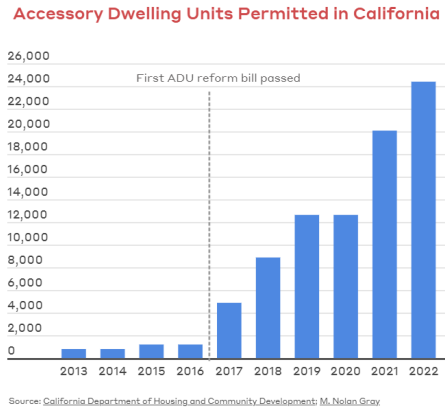
home values have achieved this kind of development (Chapple, et al., 2020). Two major cities in California provide examples of varying results. In San Francisco, most ADUs are failing to provide low-income housing while not helping the most vulnerable communities (Week, 2021). On the other hand, the City of Los Angeles is showing promising results as the development of ADUs is occurring in diverse neighborhoods and a variety of locations and communities in the jurisdiction (Kim, Baek, Garcia, & Wen, 2023). Policymakers and advocates should be cautious as they continue to advocate for increasing ADU production as some trends show that the initial goal of promoting more affordable housing in wealthier neighborhoods is not occurring in California.

Early Results of ADU Development Since Deregulation

California ramped up its legislation around ADUs in 2016 and annually thereafter to further promote this kind of development in the state. In 2016 for example, only one jurisdiction adopted an ADU ordinance, compared to 2020 when 74 jurisdictions adopted an ADU ordinance. Geographically, the regions in the survey showed that 100% of the Central Coast respondents had adopted an ADU ordinance followed by 94% in the San Francisco Bay Area, 89% in the Inland Empire, Orange, and San Diego County regions, while in the Sacramento Metropolitan Area only 73% of jurisdictions adopt an ADU ordinance (Chapple, et al., 2020). Outside of an ordinance, California has permitted over 80,000 ADU projects since 2016 (Minott, 2023).

Figure 1 shows the number of ADUs permitted in California from 2013 until 2022. This figure highlights how the number of ADUs permitted in California has significantly increased since the California Legislature passed its first batch of laws to deregulate this kind of development.

Figure 1: Accessory Dwelling Units Permitted in California (Minott, 2023)



In the next section, I cover the methodology of the project, the reasoning for the categories this report will cover, and the case studies I will review at the end of the project.

3. Methodology

Relevance

Accessory Dwelling Units are a type of residential housing that provides independent living facilities for both the owner of the primary lot and the tenant of the ADU. Although ADUs are smaller than single-family residences and the multifamily apartment complexes we see in cities, they provide the basic needs of shelter and security for those living in these kinds of dwellings. Across the United States, eight states including California, Connecticut, Maine, Oregon, Utah, Vermont, and Washington have passed significant legislation as it pertains to Accessory Dwelling Units although several other states have introduced legislation in recent years. California has pushed the hardest for new policy interventions regarding these kinds of housing due to its robust housing crisis (Hamilton & Houseal, 2023). Given California's significant push for ADU legislation in recent years, the state provides an opportunity to begin studying the impacts state policy interventions have had in addressing housing problems and providing new kinds of housing options in the state. To successfully measure this policy

approach, the field must gain a broad understanding of the specific solutions states can take to promote ADU development.

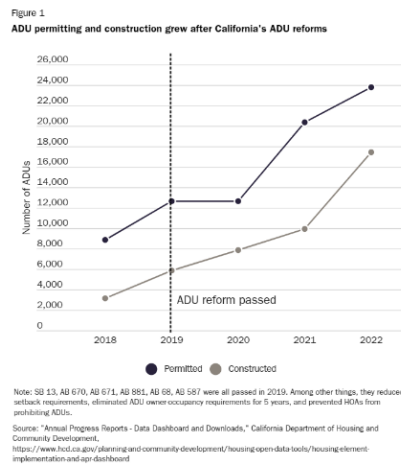
As more states consider policy options to increase the housing supply in the United States, it is important to understand how state governments can effectively legislate and promote specific developments in their respective communities and ADUs may be one policy option to consider. California provides a unique opportunity to begin categorizing the specific types of policy interventions states can take and to measure how successful each policy approach is in promoting ADU development. ADUs are not going to be the only way to get out of the housing shortage, but rather it is one potential solution to this crisis and may be one of the more politically feasible options compared to other more significant policy interventions in the housing realm. For example, since 2018, 27% of completed ADUs in California have qualified as low or moderate-income units compared to only 20% of new permitted housing. Additionally, in the City of Los Angeles, 30% of newly permitted units since 2016 in the district were Accessory Dwelling Units (Minott, 2023).

Who Can Benefit from this Research and What is its purpose?

The goal of this research is to provide state policymakers and academics with a collective understanding of the different types of policy interventions states can take to promote newer types of housing across the United States. As state policymakers consider solutions to address the United States housing shortage, which is facing a 3.2 million deficit of homes compared to demand (Sparber, 2023), state lawmakers across the country are considering different ways to address the issue. One way to put a dent in the housing shortage is to consider allowing ADU development at the state and local levels. **Figure 2** shows the increased number of units built after ADU reforms in California. Although these are a fraction of the houses built in California

according to the [California Department of Housing and Community Development's Housing Element Implementation and APR Data Dashboard](#) (Brinkhuis, 2024) it is still one potential solution to increasing housing production. To help further guide and provide effective measurements and results, categorizing the specific types of interventions and measuring the successes based on permitted units in the future allows researchers to critique and hypothesize what specific policy interventions are most effective in enacting change.

Figure 2: ADUs Permitted before and after ADU reforms (Calder & Gygi, 2023).



Another important audience for this research project is organizations that represent local governments in Sacramento and other state capitals across the United States. The goal is to provide background on policy interventions that impact local implementation of state housing laws. The League of California Cities for example represents the 476 of 482 cities located in California and provides education, advocacy, and resources to local cities tasked with implementing new state laws (League of California Cities, 2024). My goal is to develop this project as a resource for local governments to better understand how the state is addressing the housing crisis through Accessory Dwelling Units, as well as provide an understanding of the wide arching goals California has for increasing this kind of development. By summarizing and

organizing the different policy interventions taken, the research provides sufficient guidance for local authorities to understand how best to implement and enforce new laws around ADUs.

Research Approach: Descriptive Research

Descriptive research uses the conceptual framework of categorization to organize and collect common data themes and information about a specific policy problem (Shields & Rangarajan, 2013). In this project, the focus is organizing the varying sets of laws California has passed in the legislature to promote Accessory Dwelling Units into specific categories that represent different steps in the ADU development process. Descriptive research focuses on using secondary data to group common themes and articles of literature into buckets to analyze, define, or create an organized method to understand what the field of research has available to consider when researching a specific issue of concern. By grouping common themes and articles into an organized data set, descriptive research provides a way to see multiple pictures of complex policy problems simultaneously and to better understand the implications of specific issues addressing a narrow-focused policy problem (Shields & Rangarajan, 2013).

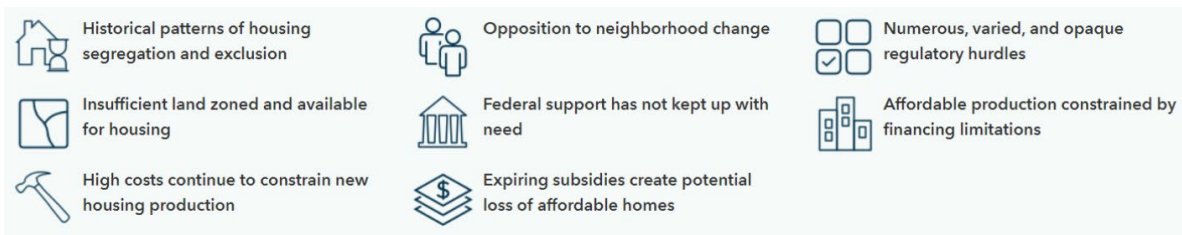
Descriptive research is an important research approach because it provides a comprehensive literature review addressing specific themes within a policy discussion. This helps provide a baseline or foundation for explaining and analyzing specific policy issues. As a result, it benefits the field to understand specific starting points, trends, and themes to dig further into more specific analyses of a more detailed research question. Completing descriptive research is important because the goal of this paper is to provide information and guidance to local governments, the research field, and interested stakeholders to understand a new, organized approach when considering ADU policy development in California.

Establishing the specific categories

This paper thoroughly analyzes the major legislative categories that California has successfully passed addressing the varying steps of the ADU permitting process. The categories were determined based on previous research highlighting the main barriers to housing in the United States. There are four specific categories this project covers about the legislative efforts California has taken to promote ADU development throughout the project development process. The main categories are Planning and Zoning/Land Use Law, the ADU permitting process, regulatory barriers to ADU development, and financing ADU development. The categories were determined based on what the United States Department of Housing and Urban Development (HUD) lists as barriers to affordable housing (U.S. Department of Housing and Urban Development, n.d.).

HUD discusses specific barriers that communities face regarding affordable housing, but this also applies to ADUs in California. HUD lists tax policies, land use controls, zoning ordinances, building codes, fees, and growth limits as just a few examples of common barriers that communities have reported to the federal government in building affordable housing (U.S. Department of Housing and Urban Development, n.d.).

California’s 2022 Statewide Housing Plan, authored by its Department of Housing and Community Development (HCD), includes the figure reproduced below on what they consider the factors contributing to California’s shortage of affordable housing. For the research proposed here, it is appropriate to take heed of these factors. City-specific factors include items in the first



row. HCD further detailed these as structural racism, misplaced ideas about neighborhood

effects, and too many tools available to slow housing construction. Two other city-specific factors finish in the first column. HCD described these as zoning not matching assigned RHNA numbers and costs relating to permitting, fee, land, and labor/material costs (California Department of Housing and Community Development, 2022).

Tax policies are not as relevant in California due to the passage of Prop 13 in 1978 which limited the ability of local governments to collect property taxes to 1% plus the rate necessary to fund local bond debts and limited future property taxes (California State Board of Equalization, 2018). As a result, I did not place tax policies inside the categories. Additionally, I combined land use controls and zoning ordinances into one category since those go hand in hand with the planning and zoning process for residential development in California. I separate the permitting process for ADUs from the regulatory barriers since the process tends to halt or limit development through public hearings, permit review time, and fees, while regulatory barriers add costs to development projects and impact the ability of homeowners to develop an ADU. I believe it is important to separate the two categories so future research can determine if the permitting process itself is impacting ADU development or if it is the overregulation of specific housing development projects. Finally, financing ADUs is an important approach to policy as 62% of California homeowners who built ADUs cited financing as one of the major obstacles to development (Sheild & Luberoff, 2023).

After writing about the major categories of legislation that California has passed in recent years, I provide three case studies to discuss the impacts these bills have had in terms of permitted and developed ADUs in the respective jurisdictions based on the HCD APR data. The three areas of California this paper will cover are the City of Los Angeles (large, diverse central city), the City of Sacramento (medium, somewhat diverse, central city), and the City of Roseville

(whiter, wealthier suburb) to better understand how legislation has impacted the development of ADUs in the respective jurisdictions. These three case studies have varying population sizes, income levels, and demographics so they provide viable subjects to assess. Finally, all three jurisdictions have significant differences in the number of ADUs developed in the community since 2016. Before diving into specific legislation, **Figure 3** is a table of recent ADU legislation passed in California.

Figure 3 California State ADU Legislation 2016-2022 (Minott, 2023)

California State ADU Legislation		
Year	Legislation	Reforms
2016	A.B. 2229	<ul style="list-style-type: none"> ADUs on pre-existing homes: ADUs must be allowed on lots with existing single-family dwellings.
	S.B. 3002	<ul style="list-style-type: none"> Prohibited accessory zoning requirements: Banned requirements that ADUs have their own driveway to the street, banned setback (distance between structures and lot boundary) requirements for garages converted to ADUs. Reduced parking requirements: Eliminated parking requirements for ADUs near transit and for ADUs built as part of an existing primary residence. Prohibited water and utility fees: Banned requirements for new water, sewer, or utility connections, or from changing utility connections or capacity fees. Expedited permitting: Required "ministerial" permitting for ADUs (meaning zoning commissions cannot block ADUs that meet zoning requirements), set 120-day maximum for permitting process. State preemption: Both laws override existing local ordinances that are not compliant.
2017	S.B. 229	<ul style="list-style-type: none"> Focus on lots with preexisting single-family homes: ADUs must be allowed on lots where single-family dwellings have been proposed.
	A.B. 494	<ul style="list-style-type: none"> Prohibited local limits on renting out ADUs: Local ordinances must allow homeowners to rent ADUs separately from the primary residence. Reduced parking requirements: Maximum parking requirement may be no more than one space per unit or per bedroom, whichever is less.
2019	A.B. 48	<ul style="list-style-type: none"> Prohibited accessory zoning requirements: Eliminated minimum lot sizes and floor area ratios (except setback requirements).
	S.B. 3011	<ul style="list-style-type: none"> Reduced setbacks: Reduced maximum setbacks for permits from 120 to 60 days.
	S.B. 11	<ul style="list-style-type: none"> Facilitated conversion to ADUs: Eliminated minimum setbacks to junior accessory dwelling units (ADUs) under 500 square feet with separate entrances.
	S.B. 1001	<ul style="list-style-type: none"> State-level enforcement: Gave the state's Department of Housing and Community Development authority to determine whether local ADU ordinances comply with state law. Prohibited owner-occupancy requirements: Banned local agencies from requiring owners to live in ADUs. Limited restrictions on garage conversions: Clarified that garages can be converted into ADUs and banned certain restrictions on garage conversions. Banned ADUs in multifamily housing: Banned multiple ADUs on multifamily lots.
	A.B. 587	<ul style="list-style-type: none"> ADU sales: Authorized local jurisdictions to allow the sale of ADUs under certain conditions.
A.B. 470	<ul style="list-style-type: none"> Prohibited HOA conditions: Banned Homeowner Association covenants and conditions that restrict ADU rents. 	
A.B. 671	<ul style="list-style-type: none"> Incentives for ADUs: Required local agencies to prepare plans to promote ADU development in the housing elements of their general land-use plans, required the state Department of Housing and Community Development to develop a list of existing state grants and financial incentives that can be used to facilitate ADUs. 	
2021	A.B. 1182	<ul style="list-style-type: none"> Prohibited HOA restrictions on rentals: Banned homeowner associations from restricting rentals that are larger than 30 days.
2022	S.B. 2221	<ul style="list-style-type: none"> Height limitations: Local agencies must allow ADUs that are up to 16 feet high under certain circumstances.
	S.B. 817	<ul style="list-style-type: none"> Fast-track ADUs: First-entrants requirements must allow ADUs up to 800 square feet. Final reports: When denying an ADU application, cities must provide applicants with a full list of items that are deficient and describe how the application can be remedied.

4. Categorizing the Legislation

I. Planning and Zoning/Land Use

Planning and Zoning in California at the Local Level

California state law requires local governments to plan how each jurisdiction will use its land and other resources to provide housing, economic development, public services, and safe, healthy environments in each respective community. Planning is important for local governments to direct and manage growth in a community and to support healthy, sustainable development in each region of the state. The planning process allows local governments to consider different ways to save money, create a sense of community, protect, and enhance property values, improve quality of life, and protect public health and safety in California

(Institute for Local Government, 2010). Given the importance planning is to California housing policy, it is necessary to get a broader understanding of how the planning process works before diving into specific legislation that has impacted the planning and zoning process for Accessory Dwelling Units in California.

Cities and other local governments plan by adopting their respective general plans. General plans are necessary to prepare the community for a variety of development projects including future housing, businesses, industry, roads, parks, and other land uses. Additional requirements for a general plan include protecting the public from noise, environmental hazards, and explaining how the community will conserve natural resources (Walsh, Roberts, & Pellman, 2005). The purpose of the general plan is to guide land use planning decisions and California state law requires all subdivisions, capital improvement projects, development agreements, and other land use actions to be consistent with the general plan. That means that all planning decisions directly impact how a community develops and its effects on the residents in the area (Shirazi, Baca, McCormick, & Litchney, 2017).

General plans in California cover seven different categories or elements that local governments must account for every five to eight years under California's Housing Element Law adopted in 1969 by the California Legislature (California Department of Housing and Community Development, n.d.). The main categories include land use, circulation, housing, conservation, open space, noise, and safety. The housing element is the only element in the general plan reviewed by a state agency, but it is important to note the different elements of a general plan. The land use element designates the type and intensity of the uses of land for housing, business, industry, education, open spaces, and other categories of public and private uses. The circulation element identifies transportation routes, local public utilities,

and public facilities. The conservation element considers how local communities can conserve, develop, and use natural resources within the community. The open space element details the plan to account for long-term preservation and conservation of open space lands such as wetlands, forests, and agriculture. The noise element addresses how a community can identify and appease noise issues within a community to promote public welfare. The safety element focuses on how a community can respond to natural disasters. Additionally, there are two optional elements that some cities account for: environmental justice and air quality. The environmental justice element focuses on providing goals, objectives, and policies to promote healthy air quality, increase public facilities, improve food access, and reduce pollution exposure among others. Finally, cities that have a stand-alone element for environmental justice must also account for air quality concerns. These two optional elements focus on identifying policies, goals, and objectives to reduce pollution exposure, improve air quality, advance housing access, and increase exercise opportunities in disadvantaged communities (Shirazi, Baca, McCormick, & Litchney, 2017). In addition to planning for future city growth through the development of housing elements, cities must zone specific areas for approved uses of different kinds of development within a community.

It is important to note that planning and zoning are different aspects of local government's police power in the state. By police power, I mean local governments can enact laws that provide for the public good of citizens within each respective border (Cornell Law School, n.d.). Planning focuses on designing a blueprint for how a city is going to develop, while zoning specifies the kind of development allowed on a specific plot of land within the jurisdiction. Local Governments zone for four categories of land uses: residential, commercial, industrial, and agricultural. The goal of zoning is to promote organized

development, control traffic, protect residents from noise and activity levels, and provide community activity hubs (Vankin, 2023). Zoning is important because it requires a jurisdiction to determine what kinds of development may occur in a specific area such as constructing stores or malls in commercial zones or building multifamily residential complexes in a residential or mixed-use zone. Zoning accounts for factors such as sustainable development, climate risk, environmental justice, equity, and other jurisdiction-based issues to promote the safest and healthiest land use for a community (Shirazi, Baca, McCormick, & Litchney, 2017). Additionally, local governments can use zoning to correct previous wrongs and promote social justice. In recent years, organizations like the American Planning Association (APA) have highlighted the importance of promoting social justice in planning practices. For example, APA's Code of Ethics highlights the need to promote racial and economic integration within the community (Prior, 2015). APA also emphasizes the need for planners to recognize how historical planning practices have had an impact on certain communities and acknowledges the need to create a better community for all by working with affected residents on social justice issues (American Planning Association, n.d.). Finally, state efforts to prohibit single-family-only zoning such as what has been done in Maine, Oregon, California, New York, and parts of Minnesota and Texas have taken some steps to abolish some variation of single-family zoning through policy efforts to create more equitable land use practices in their communities (Thompson, n.d.).

Zoning is a tool used by local governments to regulate development standards such as building height, density, lot sizes, aesthetic design, and other mechanisms to fit into the community's character (Ramsey-Musolf, 2018). Zoning is important because it helps

communities determine the transportation needs of the community, ensures adequate public infrastructure, and protects the public from harm due to natural disasters (Lightfoot, n.d.).

Before 2016, local governments in California had the flexibility to plan and zone for ADUs in their jurisdiction but after 2016, these regulatory abilities have decreased. In 2015, the Legislative Analyst's Office (LAO) released a report about California's housing crisis and some of the barriers to housing in the state. According to the LAO, one of the major barriers to housing in California was local governments' ability to make decisions about housing development and a community's development patterns resulted in a decrease in housing production in California. The LAO cited in their report that local zoning laws, building codes, and other planning regulations have led to California's lackluster housing production numbers (Taylor, 2015). In response, the legislature began to regulate how local governments could plan and zone for their communities to speed up development and increase housing production.

In the next section, I cover the major planning, zoning, and land use legislation focusing on increasing ADU development in California. It will also cover the relevant laws impacting parking, a key aspect of zoning ordinances. Since 2016, the California Legislature has passed 13 bills addressing how local governments can regulate Accessory Dwelling Units through their respective planning, zoning, and land use processes (Week, 2021). The legislation regulates where local communities can build ADUs, defines the type of structures that developers could convert to an ADU, limits the public review process of a proposed ADU development project, and prohibits local governments from regulating specific lot sizes, height limits, and setback requirements for an ADU.

Pre-2016 ADU Legislation in California

Before 2016, California only had two significant pieces of legislation that addressed ADUs in the state. In 1982, California passed Senate Bill (SB) 1160, which allowed local jurisdictions to legalize ADUs on all single-family lots. In 2002, California passed Assembly Bill (AB) 1866 to standardize and promote ADU development. Despite these efforts, local governments created complicated and unworkable standards resulting in a flattening in the production of ADUs throughout California (Gray, 2024). In response, the California Legislature began considering ways to further produce these kinds of development projects as the housing crisis worsened in the state. To address these concerns, the legislature began a significant push to promote more ADUs in 2016.

I. Category 1: Planning, Zoning, and Land Use Legislation

2016: AB 2299 addressed four key issues that impacted local governments in their respective planning and zoning process. The measure required local agencies to ministerially approve an ADU development project (meaning no public hearings may occur such as a planning commission hearing on an ADU project), required a permit to be reviewed in 120 days or less after project submittal, made null and void any local ordinance that did not meet the requirements in AB 2299, and set a variety of development standards including floor area and square footage limits, setback minimums, and reduced parking requirements (California Legislative Information, 2016) (CityStructure, 2021).

2017: AB 494 required local agencies to accept ADUs on either a new single-family dwelling or an existing single-family house (California Legislative Information, 2017). In other words, local governments could not prohibit a homeowner from including an ADU in a proposed single-family development project. AB 494 additionally included prohibitions on local governments from disallowing the conversion of a studio, pool house, garage, carport, or a

covered parking structure into an ADU (California Legislative Information, 2017). This was a significant change as homeowners previously built ADUs in existing single-family homes but could not build separate structures on a single-family lot.

2019: AB 68 eliminated minimum lot sizes, limited floor area ratios, and capped setback requirements for accessory dwelling units (California Legislative Information, 2019). It additionally reduced the timeline for local governments to approve an ADU project from 120 days to 60 days. Finally, it requires local governments to approve a building permit application for an ADU if it is in a residential or mixed-use zone (LegiScan, 2019). This was a significant change as previous laws allowed ADUs only in areas zoned for single-family or multifamily use. Mixed zones are areas in a community where there is a mix of commercial, retail, and residential uses within the specific zone of the community, so the bill by the legislature intended to expand these types of development projects to more heavily urbanized areas in California.

SB 13 specified that attached garages, storage areas, or other structures may become an ADU through a conversion project. It also limited the local government's ability to establish minimum square footage for either an attached or detached ADU depending on the size of the unit. It provided a benefit to local governments as it allowed local governments to include ADUs in their housing elements as low-income housing (LegiScan, 2019). Although the goal of SB 13 was to promote low-income housing in California, there is still some significant debate about how well the proposal has resulted in the development of more low-income housing in California (Schuetz & Devens, 2024). California hoped that granting a benefit to local governments in their housing element would provide an incentive for local governments to further increase the development of ADUs in California while trying to comply with previous state laws.

AB 881 allowed California's Attorney General to require local governments to adopt the amended ADU ordinances proposed by HCD within the respective jurisdictions. It also limited setback requirements that local governments could impose in their local ordinances from five to four feet and further limited local government's ability to permit ADUs in their jurisdiction. Specifically, the bill states that the local agencies could only decide to permit or prohibit ADUs based on the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety (Senate Committee on Governance and Finance, 2019). In previous legislation, local governments could prohibit or permit ADUs based on local zoning codes in a community and this bill went further by limiting local government's review standards.

2022: AB 916 prohibited local governments from requiring a public hearing as a condition of adding space for additional bedrooms or reconfiguring existing space to increase the bedroom count within an existing house, condo, apartment, or dwelling (LegiScan, 2022). The measure intended to address loopholes for Junior Accessory Dwelling Units (JADU) in state law. JADUs are smaller accessory dwelling units that attach to the primary residence such as a bedroom or use existing space within the same building (California Department of Housing and Community Development, 2022).

SB 897 increased the height limit for ADUs from 16 feet to 18 feet if the project is located half a mile from a transit stop or high-quality transit corridor. It also allowed ADUs attached to a primary residence to be up to 25 feet tall. The measure additionally required local governments to only use objective standards when reviewing ADUs (LegiScan, 2022). Objective standards specify that a government can only use standards that involve no personal or subjective judgment and are verifiable by evidence that the project follows regulations in a local ordinance.

In AB 2221, the legislature clarified that a detached ADU includes detached garages from the primary residence and prohibited local agencies from establishing limits on front setbacks (LegiScan, 2022).

2023: AB 434 allowed HCD to notify the attorney general that a planning agency has failed to ministerially approve an ADU or JADU (LegiScan, 2023). Essentially, the bill allows the state to crack down on non-compliant local governments with ADU law. The relevant points to consider are in **Table 1** below. The next section discusses how the state addressed parking regulations for ADUs.

Table 1: Legislation Impacting Planning and Zoning 2016-2023

Name and Bill Number	Description
AB 2299: Land use: housing: 2nd units	Requires local governments to ministerially approve ADUs, limits permit review to 120 days or less
AB 494: Land use: accessory dwelling units	Required local governments to accept ADUs on either a new single-family dwelling or existing single-family home, allows conversions of studios, pool houses, garages, carports, or covered parking structures into ADUs.
AB 68: Land use: accessory dwelling units	Reduced permit review from 120 days to 60 days, required approval of ADUs in mixed-use zones, various prohibitions on lot sizes, floor areas, and setbacks
SB 13: Accessory dwelling units.	Allowed garages, storage areas, and other structures to be converted to ADUs, allowed local governments to include ADUs in their housing elements as low-income housing, and set square footage requirements.
AB 881: Accessory dwelling units	Allowed the Attorney General to require local governments to adopt HCD amended ADU ordinances, removed the ability of local governments to prohibit ADUs through zoning codes
AB 916: Zoning: bedroom addition	Prohibited local governments from holding public hearings about bedroom conversions to ADUs
SB 897: Accessory dwelling units: junior accessory dwelling units	Increased height limits of ADUs, limited local governments to only use objective standards when reviewing ADUs
AB 2221: Accessory dwelling units	Specified that a detached ADU could be a detached garage, limited front setbacks
AB 434: Housing element: notice of violation	Gave the Attorney General enforcement powers of non-compliant local governments with ADU laws.

How Parking Impacts NIMBYism, Development, and Zoning

Parking is a significant issue of relevance for Not in My Backyard (NIMBY) concerns when it comes to new housing for a multitude of reasons. From a cost perspective, building new parking can range from \$4,300 to construct a covered carport to \$18,000 for a replacement garage. NIMBYs are concerned with the elimination of off-street parking requirements because they worry that limiting available parking on the street makes it harder for residents to find parking spaces and store their cars (Brown, Mukhija, & Shoup, 2017). Additionally, California has over 31 million cars registered in the state as of 2021, which means nearly 80% of California’s population has a car that would need parking available to keep the vehicles when not

in use (Carlier, 2023). Finally, the cost of a home may increase when local governments require off-street parking. Estimates show that homes that had off-street parking requirements were 13% more expensive than homes that did not have parking requirements (Gabbe, Looking Through the Lens of Size: Land Use Regulations and Micro-Apartments in San Francisco, 2015). From a NIMBY perspective, if the price of their home decreases because of eliminating parking requirements, they would be concerned about the decreased revenue they would receive after selling their homes. Due to the concerns of a community, a local government listening to their voters may propose more stringent regulations for parking requirements which can lead to an increase in costs to build new homes.

Parking falls into the planning and zoning issues because one of the major focuses of zoning a specific area for a specific kind of development considers the impact on a variety of issues including parking availability and traffic impacts in a community. For example, a commercial area is going to have more commuters traveling to downtown areas by car and local governments need to account for the increase in population for a specific location in a community. Additionally, parking in a residential zone is necessary for renters and homeowners to store their cars while not in use. Despite these valid concerns from a local government's perspective, the state legislature passed numerous bills to limit parking requirements, promote transit-oriented development, and decrease the development costs of an ADU. In response to concerns that local governments were using parking regulations to limit ADU development in their communities, California passed five relevant bills impacting parking regulations in the state.

II. Parking ADU Legislation

2016: SB 1069 prohibited local governments from requiring parking standards if the proposed project was half a mile from public transit, located in a historic district, part of an existing primary residence or structure, when on-street parking permits were required but not offered to the occupant of the ADU, or if the project was located within one block of a car share (California Legislative Information, 2016).

2017: AB 494 further limited parking requirements for an ADU by specifying that parking may not exceed one parking space per unit or bedroom, removed the option for local agencies to prohibit off-street parking in setback areas or through tandem parking if it is not allowed anywhere else in the jurisdiction, and allows local governments to replace parking spaces on a lot if a garage, carport, or covered parking structure is converted to an ADU (Rabovsky, 2017).

2022: SB 897 further reduced parking standards for both a new single-family residence with a proposed ADU project in addition to a new ADU project proposed on a multifamily dwelling unit (LegiScan, 2022).

AB 2097 prohibited local agencies from imposing a minimum parking requirement for any residential project within a half mile of public transit (LegiScan, 2022).

2023: AB 1308 prohibited local governments from increasing the minimum parking requirements for a single-family residence as a condition of approval for a project to remodel, renovate, or add to a single-family residence. In other words, AB 1308 prohibited parking requirements for Junior Accessory Dwelling Units. **Table 2** shows the relevant points regarding parking for ADUs.

Table 2: Legislation Impacting Parking from 2016-2023

Name and Bill Number	Description
SB 1069: Land use: zoning	Prohibited local governments from requiring parking if a half a mile from transit, in historic district, in an existing structure, if not offered to an ADU occupant, or one block from a car share area.
AB 494: Land use: accessory dwelling units	Limited parking to one space per unit or bedroom, prohibited off-street parking in setback areas or tandem parking if not allowed anywhere else in the jurisdiction, allows local governments to replace parking spaces if a structure was converted to an ADU.
SB 897: Accessory dwelling units: junior accessory dwelling units	Reduced parking standards for both a new single-family residence and a multifamily dwelling unit with an ADU.
AB 2097: residential, commercial, or other development types: parking requirements	Prohibited parking minimums for any residential project within a half mile of public transit.
AB 1308: Planning and Zoning Law: single-family residences: parking requirements	Prohibited local governments from increasing the minimum parking requirements for a single-family residence as a condition of approval to remodel, renovate, or add a single-family residence.

III. Category 2: Permitting ADUs

How the Building Permit Process Works in California at the Local Level

California state law requires any project that constructs, enlarges, alters, converts, repairs, moves, or demolishes a structure to receive a building permit before construction commences through the local building department (County of San Diego, Planning and Development Services, n.d.). Since ADUs can be conversions, additions, and expansions to the primary residence, all ADU permits must receive a building permit before construction begins. The goal of the building permit process is to ensure that a proposed project meets all the necessary code standards in California (Autonomous, 2023). Title 24 of California’s Code of Regulations covers a variety of important safety regulations that residential housing must comply with and include specific regulations regarding the structural, plumbing, electrical, and mechanical systems, and address issues such as fire life safety to provide safe, and structurally sound development necessary to promote public health and safety. Title 24 has 12 parts in the building code that cover a variety of health and safety issues (California Building Standards Commission, n.d.). Due to the variety of codes in Title 24, a developer must get permits and inspections from specialists in each code section relevant to the project.

To enforce the standards laid out in Title 24, local building departments have the necessary staff to ensure that a proposed development project meets all health and safety standards before construction begins. Building departments pay for their staff services through plan checks and permit fees (County of San Diego, Planning and Development Services, n.d.). State law disallows the fees to be more than the cost of providing the service (California Legislative Information, n.d.). In addition to the permitting fee for basic plan checks and inspections, ADUs also involve costs for impact fees to mitigate the effect of a development project. Such fees may include affordable housing, park impact, and special district fees such as sewer and electrical hookups. Due to the high costs and complex processing necessary to build an ADU, the California Legislature has passed numerous bills to streamline the permitting process and reduce costs to potential ADU development since 2018.

Before 2018, local governments had flexibility in the permitting process and the fees associated with the development project. From 2018 to 2023, California passed four bills that addressed the issue of the building permit process and permit review times. The next section discusses the specific policy interventions by year.

ADU Permitting Legislation

2018: AB 2913 extended how long a building permit was valid in California from 180 days in prior law to 12 months after issuance of the building permit. The measure also allowed building officials the ability to grant in writing one or more extensions of permit expiration of not more than 180 days per extension after the 12-month expiration date (LegiScan, 2018). Through the extension of the permit expiration date, the bill allowed

development projects to commence construction later given the number of factors that can cause project delays.

2019: SB 13 reduced the timeline by which local enforcement agencies could review a building permit from 120 days to 60 days to streamline the permitting process (LegiScan, 2019).

2022: AB 2221 required local building departments to approve or deny an application for either an ADU or a JADU within 60 days of receiving a completed application. It also requires local building departments to provide a list of items that are defective or deficient in a building permit and how the applicant can correct the violation (LegiScan, 2022).

2023: AB 1332 requires all local governments by January 2025 to develop a program for the preapproval of ADU plans. Local agencies must review preapproved ADUs within 30 days for health and safety measures but allows the local agency to deny a project if there are violations (LegiScan, 2023). The goal of the preapproval program is to provide local governments the flexibility to develop local floor plans that comply with the necessary health and safety measures for an ADU to reduce initial costs in designing an ADU. It additionally allowed architects to submit a designed set of template floor plans that the local agency could approve for the program and collect permit fees on the project for a similar-sized ADU.

In this section, I detailed the specific legislation passed in recent years to help streamline the permitting process for Accessory Dwelling Unit development in California. The relevant points to consider are in **Table 3**.

Table 3: Legislation Impacting the ADU Permitting Process 2018-2023

Name and Bill Number	Description
AB 2913: Building standards: building permits: expiration	Extended the building permit expiration date from 180 days after approval to 12 months, allows local building officials to extend the permit deadline by up to 180 days or more beyond the 12 month deadline.
SB 13: Accessory dwelling units.	Decreased the timeline to review building permits for ADUs and JADUs from 120 days to 60 days.
AB 2221: Accessory dwelling units	Required building departments to provide a full list of comments and how to get in compliance with the building code.
AB 1332: Accessory dwelling units: preapproved plans.	Required local governments to establish a preapproved ADU program by January 1, 2025. Requires the permit review timeline of a preapproved ADU to be completed within 30 days of a request to build a preapproved ADU plan.

IV. Category 3: Regulatory Barriers to ADUs

Building codes, owner-occupancy requirements, and increased impact fees to cover necessary public infrastructure upgrades in a community can be barriers to developing an ADU in California (Volker & Handy, 2022) (Wiegla, 2023). Since 2016, California has passed 11 bills addressing regulatory barriers to developing an ADU including efforts to deregulate building codes or delay enforcement of building code violations not relevant to public health and safety, prohibiting Homeowner Associations and Common Interest Developments from banning the leasing or development of ADUs, and reducing impact and mitigation fees to reduce costs to ADU development projects.

Understanding Building Codes, Owner-Occupancy, and Mitigation Fees

In the previous section, I discussed the specific regulatory framework California uses to enforce health and safety standards in the built environment. Although building codes are necessary to promote public health and safety, they can add significant costs to building ADU projects. California has some of the most restrictive building code regulations in the United States which significantly increases the costs of building in the state (Borland, 2020).

Additionally, California has adopted regulations to limit short-term rentals and the influence of owner-occupancy requirements for ADUs. Owner-Occupancy requirements prohibit homeowners from renting or leasing a rental to a tenant unless the homeowner

lives in the main house (Kagan, 2022). Proponents argued that owner-occupancy requirements impacted housing costs. Proponents argued that the lack of flexibility impacted property valuations and may have limited the supply of ADUs available in California. Additionally, proponents argue that removing these requirements provides an incentive for investors to buy multiple properties and build ADUs on separate lots (White, 2023).

Finally, impact fees or mitigation fees are charges placed on development to help fund the expansion of infrastructure needed to support new housing. Since ADUs are new housing developments, local governments charge impact fees to cover the costs of utility connection fees, necessary infrastructure, and other public facilities that promote development in a community. However, recent legislation in California has prohibited local governments from charging impact fees on ADUs (Raetz, et al., 2019). In the next section, I discuss the relevant legislation addressing building code regulations, owner-occupancy requirements, and mitigation fees for ADUs from 2016 to 2023.

Legislation: building codes, owner-occupancy, and mitigation fees

2016: SB 1069 prohibited local governments from requiring fire sprinklers in an ADU if the local agency did not require fire sprinklers in the primary residence. Additionally, the bill specified that local governments could prohibit an ADU if the proposed ADU did not have owner-occupancy requirements for the proposed project. Finally, the bill prohibited local governments from collecting mitigation fees on the ADU to connect the sewer or water capacity from the ADU to the primary residence (California Legislative Information, 2016).

AB 2406 specified that a proposed JADU project is not a separate or new dwelling unit when it comes to reviewing the project for any proposed fire protection measures and mitigation

fees. It allowed local agencies to require owner-occupancy regulations for an approved JADU project (California Legislative Information, 2016).

2017: SB 229 prohibited special districts and water corporations from charging utility connection fees to ADUs to connect the new development to the primary residence (LegiScan, 2017). The California Legislature believed SB 229 was necessary since approximately 85% of California's special districts provide single-function districts such as fire protection, mosquito abatement, or waste disposal to residential housing (Senate Governance and Finance Committee, 2016).

2018: SB 1226 allowed a local building official to determine the date of construction for a residential unit and apply the building standards in effect at the time of construction. In other words, the local building official could issue a retroactive building permit if no permit existed for an already developed residential unit in California (Engel, 2018). Since building codes change every three years, the goal was to reduce costs for residents to confirm their project meets all necessary health and safety measures at the time of the application.

2019: SB 13 prohibited local governments from delaying the enforcement of building code violations for five years so long as the violation is not necessary to promote public health and safety as determined by the local building official (LegiScan, 2019). AB 587 allowed local governments to pass an ordinance allowing homeowners to sell an ADU separately from the primary residence to a qualified buyer so long as the unit is meant for affordable housing (LegiScan, 2019). Finally, AB 670 prohibited Homeowners Associations from banning ADUs in their communities (FindHOALaw, 2019).

2021: AB 345 prohibited local agencies from banning the sale of ADUs as a separate unit to a qualified buyer if the homeowner chooses (LegiScan, 2021).

2022: SB 897 prohibited local jurisdictions from requiring a Group R occupancy change in the building code due to the addition of an ADU on a residential lot. Group R occupancy changes determine the kind of building codes that a residential unit must comply with and is determined by the number of residents in a structure. An R-3 occupancy, for example, requires more stringent fire-life-safety measures compared to an R-2 occupancy (The City of San Diego Development Services, 2023). In addition, the measure prohibits local enforcement agencies from requiring fire sprinklers in an existing primary dwelling. Finally, it prohibits a local building department from denying an unpermitted ADU constructed before 2018, so long as addressing the violation is not necessary to protect public health and safety (LegiScan, 2022).

2023: AB 976 prohibited any kind of owner-occupancy requirements on an ADU (LegiScan, 2023). AB 1033 also addressed owner-occupancy requirements by allowing local agencies to pass local ordinances that allow for the separate sale of ADUs in condominiums (LegiScan, 2023). **Table 4** summarizes the specific legislation discussed in this section.

Table 4: Legislation Impacting the Regulatory Barriers to ADU Development

Name and Bill Number	Description
SB 1069: Land use: zoning	Prohibits fire sprinklers in an ADU if not required for the primary residence, prohibits local agencies from collecting fees on installing new or separate utility connection fees from the primary residence to the ADU.
AB 2406: Housing: junior accessory dwelling units	Prohibits local agencies from considering a JADU as a separate or new unit for reviewing building codes and mitigation fees for utility projects. Allows local agencies to require owner-occupancy requirements on a JADU.
SB 229: Accessory dwelling units	Extends mitigation fee limits established by SB 1069 to special districts and water corporations.
SB 1226: Building standards: building permits	Allows local building officials to determine the date of construction of a residential unit and apply building standards in effect at the time of construction for retroactive building permits.
AB 587: Accessory dwelling units: sale or separate conveyance	Allows local governments to adopt an ordinance permitting ADU to be sold separately from the primary residence to a qualified buyer meaning any person or family with lower or moderate income, or a qualified nonprofit corporation.
AB 670: Common interest developments: accessory dwelling units	Makes null and void any common interest developments regulations that prohibit the sales of ADUs or JADUs within the community.
SB 13: Accessory dwelling units	Allows a homeowner to request the delay in enforcing any building code regulation for 5 years if addressing the violation is not necessary to protect public health and safety in an ADU.
AB 345: Accessory dwelling units: separate conveyance	Requires a local agency to allow an ADU to be sold or conveyed separately from the primary residence to a moderate or low-income family, or a nonprofit corporation.
SB 897: Accessory dwelling units: junior accessory dwelling units	Prohibits local jurisdictions from requiring a Group R Occupancy Change in a residential building even if an ADU is built, prohibits enforcement agencies from denying a permit for an unpermitted ADU prior to 2018, and prohibits requiring fire sprinklers in the existing primary dwelling strictly because an ADU was built.
AB 976: Accessory dwelling units: owner-occupancy requirements	Prohibits local agencies from imposing an owner-occupancy requirement on any ADU.
AB 1033: Accessory dwelling units: local ordinances: separate sale or conveyance	Authorizes a local government to adopt a local ordinance allowing the separate conveyance of the primary dwelling unit and an ADU in condominiums.

V. Category 4: Financing ADU Development in California

Costs of Building an ADU in California

Despite several pieces of legislation to reduce barriers to developing an ADU in California, one of the most significant barriers to ADU development is the cost of building an ADU. In a survey of 500 homeowners in the Sacramento Area, the respondents cited five major barriers to developing an ADU. Barriers included construction and permitting costs, a complex and complicated permitting process, the overall cost of the project, and a lack of financial resources to build an ADU (Volker & Handy, 2022). Recent research shows the average cost of an ADU in California is \$167,000 but it varies by region, size, quality, and typology of the ADU. For example, two major barriers to ADU development in the Los Angeles Area and the Bay Area are the labor costs and a shortage of workers, making it harder to build an ADU affordably (Chapple, et al., 2020). In response, the legislature has passed several bills addressing financial resources to homeowners interested in building an ADU.

Legislation: Financing ADU Development in California

2019: AB 671 requires local agencies in their housing elements to incentivize and promote the creation of ADUs for affordable rents to very low, low, and moderate-income households. It also required HCD to develop a list of existing state grants and financial incentives for the planning, construction, and operation of ADUs with affordable rent (LegiScan, 2019).

2023: AB 671 required the CalHome program to include the development of ADUs or JADUs as projects that could qualify for funding from the state. It additionally prohibited owner-occupancy requirements for an ADU or JADU project receiving state funding, prioritized funding for low-income households, and required affordability covenants or restrictions on ADU projects receiving state funding (LegiScan, 2023).

Other sources of funding: The California Housing Finance Agency has an ADU grant program that provides grants up to \$40,000 to reimburse the pre-development and non-recurring costs associated with the construction of an ADU, unfortunately, this program ran out of money in December 2023 (California Housing Finance Agency, 2023). The state also has several grant programs for local governments to increase ADU production within their communities. The following grants provide resources to help local governments promote ADU development locally. The Local Early Action Planning, Local Housing Trust Fund Program, Regional Early Action Planning, SB 2 Planning, and Community Development Block Grant Program (California Department of Housing and Community Development, n.d.).

Despite cost being one of the main barriers to ADU development in California, the state has passed a few bills to directly assist homeowners financially with the development of ADUs. With that said, multiple local governments have established incentive programs for ADU development as noted [here](#). **Table 5** shows the major bills and budget items passed by California to provide financial resources for ADU development in the state.

Table 5: Legislation Impacting Financing for ADU Development

Name and Bill Number	Description
AB 671: Accessory dwelling units: incentives	Requires local agencies to include a plan that incentivizes the creation of ADUs within its housing element. Requires HCD to develop a list of existing state grants and incentives for ADUs with affordable rent.
AB 671: CalHome Program: accessory dwelling units	Prohibits the CalHome program from requiring rules or guidelines for ADU development to include owner-occupancy requirements and requires affordable housing restrictions for lower-income households if funds are used to build ADUs.
Local Early Action Planning Grants (LEAP)	Grants to local jurisdictions to establish partnerships for developing or improving an ADU ordinance.
Local Housing Trust Fund Program (LHTF)	Matching funds to construct, convert, repair, reconstruct, or rehabilitate ADUs or JADUs.
Regional Early Action Planning Grants (REA)	Grants to Council of Governments (COGs) to establish prohousing policies such as adopting ADU ordinances or other mechanisms that reduce barriers for property owners to create ADUs.
SB 2 Planning Grants	Grants to local governments to encourage ADUs and other innovative building types through ordinances, outreach, fee waivers, pre-approved plans, and other homeowner tools or finance tools.
Community Development Block Grant Program (CDBG)	Federal funds that partner with non-federally recognized Native American communities for community development including single and multifamily development rehabilitation and potential local ADU rehabilitation and planning programs.

5. How Legislation Has Impacted ADU Development in California

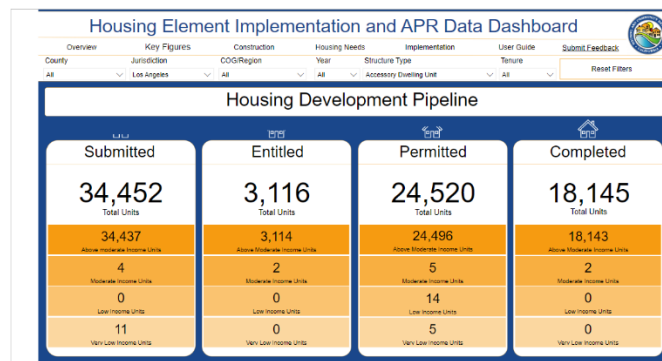
As I have summarized in the previous sections, the California Legislature has had great success in passing legislation to address barriers to ADU development in California from the mid-2010s to 2023. But the important question for the end goal of this legislation is how successful it has been at addressing the needed increases in affordable housing for a variety of different-sized cities in the state. The next section discusses how cities have used ADUs to meet the RHNA numbers provided to the jurisdiction by HCD. The purpose of this is to show trends in how legislation has influenced the kinds of development cities are using to meet the housing numbers to further address California's housing shortage. The three cities chosen for consideration on how deregulation has resulted in ADU production are Los Angeles, Sacramento, and Roseville. These cities provide a good sample as they vary by population size, demographics, and income to compare just how effective legislation has been in promoting ADU development in California. Looking at three different cities helps provide an overview of how legislation has trickled down to the diversity of cities in California. All three cities have seen an increase in ADU production due to the legislation since 2017, however, the actual numbers of permitted units vary significantly by each city.

I. City of Los Angeles

The City of Los Angeles is home to over 3.8 million residents who make a median household income of \$76,244 per year. It is also an extremely diverse city where more than 50% of the residents are from minority communities (United States Census Bureau, 2023). As proponents of ADUs argue one of the benefits of promoting ADUs is increasing diversity within wealthier neighborhoods, so it provides a good case study to consider how deregulation has promoted the development of ADUs in a diverse community. The statistics show that due to the new legislation, Los Angeles has seen a significant increase in the development of ADUs as the

city has permitted over 24,000 ADUs within its jurisdiction since 2017. Before 2017, Los Angeles residents submitted less than 300 ADU permits per year (Brinkhuis, 2024). It provides a strong example of how legislation has increased the development of ADUs as intended by the legislature. However, it is important to acknowledge that although the number of ADUs developed has increased, most of the new units qualify as above moderate-income housing units according to HCD’s dashboard shown in **Table 6**.

Table 6 Housing Development Pipeline for ADUs: City of Los Angeles (Brinkhuis, 2024)

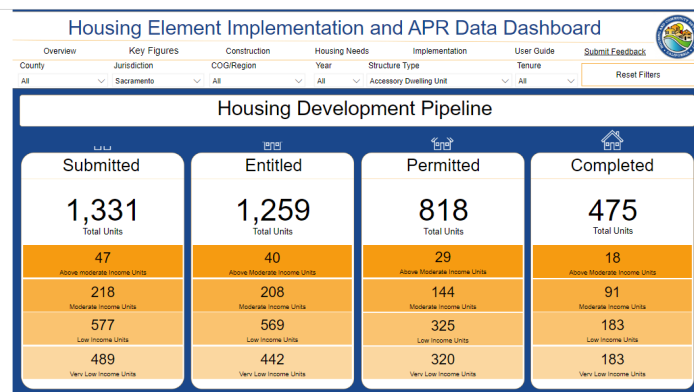


II. City of Sacramento

The City of Sacramento has 528,000 residents with a median household income of \$78,954. Although not as diverse as Los Angeles, the city still has a majority-minority population and is less dense than the City of LA, meaning there may be more land available to promote ADU development within the community (United States Census Bureau, 2023). Like LA, Sacramento has seen a significant increase in its ADU development since 2017, with over 1,000 ADU permit applications received by the building department. This was a significant jump from the prior years when Sacramento residents submitted less than 100 ADU applications (Soos & Hertel, 2022). Sacramento has had fewer ADUs developed compared to the City of Los Angeles but has been successful in promoting more affordable ADUs compared to LA (Brinkhuis, 2024). Additionally, it is important to note that the city has a robust website focused on ADU

development, which may forecast that Sacramento is looking at expanding ADU development in the future (City of Sacramento Community Development, n.d.). Something that stands out in Sacramento is that although the city has not permitted as many ADUs as the City of Los Angeles, the ADUs have a higher percentage of units that meet the low and very-low-income housing threshold in the housing element which is a significant difference compared to Los Angeles as shown in **Table 7**.

Table 7: Housing Development Pipeline for ADUs: City of Sacramento (Brinkhuis, 2024)

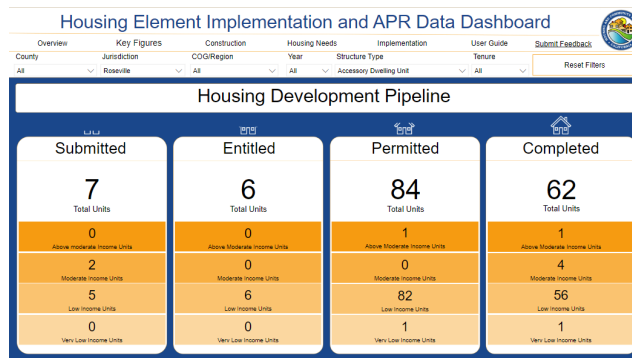


III. City of Roseville

The City of Roseville has a population of 154,817 with a median household income of \$112,265. The city is much less diverse compared to Los Angeles and Sacramento as 70% of residents are White (United States Census Bureau, 2023). Given the arguments that whiter, wealthier homeowners are more likely to build ADUs one would assume that Roseville would provide the best example of how legislation has promoted ADU development within the community, however, this is not the case. The City of Roseville has seen little to no production of ADUs despite the push from California to increase ADU production. Since 2017, Roseville has seen fewer than 100 ADUs built in the jurisdiction. However, there has been an increase in the number of ADU permit applications after the state passed ADU legislation. Before 2017, the city received no ADU applications for approval (Brinkhuis, 2024). According to Roseville’s

approved housing element, the city has a goal to promote a minimum of 10 ADU permits annually to build a total of 80 ADUs in the future (Hocker, McColl, & Ogden, 2021). Based on the housing element, it sounds like the city is not actively trying to expand its ADU capacity in its general plan, which may explain why the City of Roseville has had a limited number of ADU permits approved despite the legislative changes in Sacramento. Although statistics show that due to legislation Roseville has permitted more ADUs than in prior years without legislation, the jurisdiction’s residents are continuing to not have a real benefit from the new laws. **Table 8** shows the limited number of ADUs developed in the jurisdiction since 2018. Of important note, the table highlights that of the ADUs permitted within the jurisdiction, most of them have been low-income and very low-income housing units.

Table 8: Housing Development Pipeline for ADUs: City of Roseville (Brinkhuis, 2024)



In this section, I covered how the legislative changes in Sacramento have impacted the number of ADU developments for three different-sized cities including Los Angeles, Sacramento, and Roseville. The section also discusses who the ADUs are benefiting in terms of income according to the HCD APR dashboard. In the more expensive cities such as Los Angeles, the units benefit moderate-income renters while in the cities of Roseville and Sacramento, a higher percentage of the developed ADUs benefit low and very-low-income renters as a percentage of the new ADUs built in the respective jurisdictions.

6. Conclusion

The California Legislature has passed 25 bills since 2016 regarding the deregulation of ADU development in California. Of the 25 bills passed by the legislature, several of the bills overlap multiple categories since they address a variety of issues throughout the ADU development process. All 25 bills fall into four categories Category 1 addresses planning, zoning, and land use issues, which entails how jurisdictions set design requirements such as height limits, setbacks, and parking regulations. Category 2 centers around the building permit process and how local building departments review projects for health and safety regulations. Category 3 focuses on the regulatory barriers to development including building regulations, owner-occupancy requirements, and mitigation fees. Finally, Category 4 addresses bills that help finance and provide resources to homeowners and local governments to build and promote ADU development in local communities. In total, nine bills passed that fit into Category 1 including five bills around parking regulations, four bills for Category 2, 11 bills for Category 3, and two bills including five budget programs in Category 4.

Despite California's efforts to promote ADU development, the results have varied in achieving the well-intended goals of promoting affordable housing to California residents. The City of Los Angeles developed the highest number of ADUs of the cities studied, however most of the units tend to be for above-moderate-income renters meaning that those that make more than 120% of the area median income are benefiting from ADU production in that specific jurisdiction (Brinkhuis, 2024). In other words, although LA is encouraging the most development of ADUs in the city, those that benefit are not the most vulnerable Californians.

On the other hand, the City of Sacramento and the City of Roseville have the highest percentage of ADUs for residents that fall into the low or very low-income range. This means that residents who make 0-80% of the area's median income benefit the most from ADU production within those respective jurisdictions (Brinkhuis, 2024). However, it is important to acknowledge that these are a small percentage of the needed affordable housing units for each respective jurisdiction. Despite these trends, one important thing to note is that the City of Sacramento has a robust online website to promote ADU development, and in their most recent housing element, the city is hoping to spur future ADU development within the jurisdiction to better meet its RHNA numbers and increase affordable housing (Soos & Hertel, 2022). On the other hand, the City of Roseville has seen minimal ADU development despite recent legislation, and the city's general plan has a lesser focus on promoting future ADU development compared to Sacramento (Hocker, McColl, & Ogden, 2021).

Given the results presented in the case studies, it is fair to argue that due to California's legislative push for ADU development, there are clear trends that the legislation has resulted in an increase in ADU development in California. It is also fair to assess that the legislation has not resulted in the well-intended goals of promoting more affordable housing in California, especially in the larger, more expensive cities such as Los Angeles.

There are several reasons why this is the case. For one thing, every jurisdiction in California is unique and has a different approach to addressing housing production in the jurisdiction. One jurisdiction may have more available land to build larger multi-family housing projects or smaller single-family residences while other jurisdictions do not. A second reason is that there are not enough financial resources to make ADU projects cover the costs needed to build an ADU. Third, there may not be enough education and outreach

by local jurisdictions to promote ADU development within its jurisdictions or the city may not see the value of ADUs in addressing the housing crisis. The City of Roseville provides a good example as the city has permitted only a handful of ADUs within the community since 2018. Finally, legislation is still relatively new, and the state legislature passes new laws around ADUs every year, so there is a continuous effort by local jurisdictions to stay up to date on new state laws and respond accordingly, which may lead to confusion and implementation issues on the ground.

In conclusion, although ADU legislation has increased the development of ADUs in California, providing more affordable housing through ADUs may not be the main solution to the state's housing crisis.

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