

ADU AND JADU AMNESTY AND LEGALIZATION

This bulletin explains California Assembly Bill 2533 and the circumstances under which it permits the legalization of existing accessory dwelling units and junior accessory dwelling units constructed without a building permit.

ACCESSORY DWELLING UNITS (ADUS) AND JUNIOR ACCESSORY DWELLING UNITS (JADUS)

ADUs, also called secondary units or granny flats, are attached or detached residential dwelling units, which are secondary in nature to a One-Family, Two-Family, or Multiple-Family Dwelling on a parcel of property. ADUs provide complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

JADUs are residential dwelling units that are not more than 500 square feet in size and are contained entirely within an existing single-family structure. JADUs include a minimum efficiency kitchen and can have separate sanitation facilities from or shared sanitation facilities with the existing residence.

RETROACTIVE PERMITTING AUTHORIZED THROUGH STATE LEGISLATION

In 2024, Assembly Bill 2533 was signed into law to make it easier for homeowners to obtain permits for ADUs and JADUs built without prior approval. This law allows homeowners to apply for retroactive permits to bring their properties into compliance without penalty.

The bill ensures that a local agency must approve a permit for an unpermitted ADU or JADU that was **constructed before January 1, 2020**, unless the local agency makes a finding that a code violation poses a substandard or unsafe condition that must be fixed.

The bill also allows the homeowner to obtain a confidential third-party inspection by a licensed design professional or general contractor of their choice. This inspection can help the homeowner assess the current condition of the ADU or JADU and identify if any improvements are necessary.

CRITERIA FOR BUILDING PERMIT APPROVAL

To qualify for a building permit to legalize the unit, the ADU or JADU must meet minimum standards including:

1. Provide a fully enclosed shelter from the elements
2. Basic sanitation improvements
3. Running hot and cold water
4. Heating
5. Cooking facilities and preparation area

While the permit makes the dwelling unit legal, certain improvements may still be required to meet basic health and safety standards. These may include installing smoke alarms, carbon monoxide detectors, emergency escape and rescue openings, and proper lighting and ventilation.

Any part of the building/unit that does not meet the requirements outlined in the **Substandard Building Checklist below**, must be fixed as part of the permit process.

BUILDING PERMIT PROCESS

The applicant must complete a building permit application, submit plans, pay the applicable fees based on the current fee schedule, and complete any necessary inspections.

Site Plan

The applicant must provide a site plan identifying the property boundaries, adjacent road(s) and fire access, dwelling unit(s) location, setbacks to structures, lot coverage by structures, and measurement thereof.

Fire Access

The fire apparatus access/road shall comply with California Fire Code (CFC) Section 503 requirements. Access shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building.

“As-Built” Plans

The plans submitted for a building permit must be drawn to scale and be of sufficient clarity to show the existing construction, including foundation plans, floor plans, framing plans, elevations, and details. Refer to [Bulletin #211](#) for typical building plan requirements. Any improvements needed based on the Substandard Building Checklist must also be clearly shown on the plans.

Inspections

Once the permit is issued, a City Inspector will visit the site to verify that no violations on the Substandard Building Checklist exist or that they have been corrected as shown on the permitted plans. If a substandard building item is found, the inspector will advise on how to revise the permit to fix it. When the plans match the condition of the existing ADU or JADU and no substandard violations are present, the inspector will sign off on the permit, and the unit will be considered a legally permitted unit.

SUBSTANDARD BUILDINGS CHECKLIST

Please identify on the following checklist whether the substandard condition exists or does not exist and include correction of any substandard items on the Building Permit Application.

Note:

1. This checklist was adapted from the Health and Safety Code 17920.3 to address items necessary for compliance with the California Building Standards Code.
2. “Code” in the checklist refers to the Uniform Building Code, California Residential Code and/or the California Building Code.

Do the following Substandard Conditions exist?	Exists	Does not Exist
A. Sanitation Requirements		
1. Lack of, or improper, water closet, lavatory, or bathtub or shower in a dwelling unit.		
2. Lack of, or improper, kitchen sink.		
3. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.		
4. Inadequate heating.		
5. Lack of, or improper operation of, required ventilating equipment.		
6. Lack of minimum amounts of natural light and ventilation required by this code.		

	Exists	Does not Exist
7. Room and space dimensions less than required by this code.		
8. Lack of required electrical lighting.		
9. Dampness of habitable rooms.		
10. Infestation of insects, vermin, or rodents as determined by a health officer or a code enforcement officer.		
11. Visible mold growth.		
12. General dilapidation or improper maintenance.		
13. Lack of connection to required sewage disposal system.		
14. Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or a code enforcement officer.		
B. Structural Hazards		
1. Deteriorated or inadequate foundations.		
2. Defective or deteriorated flooring or floor supports.		
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.		
4. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.		
5. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.		
6. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration.		
7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.		
8. Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration.		
9. Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.		
C. Wiring that does NOT meet all applicable laws in effect at the time of installation or is not currently in good and safe condition and working properly.		

	Exists	Does not Exist
D. All plumbing is NOT maintained in good condition, working properly and/or free of cross connections and siphonage between fixtures.		
E. All mechanical equipment, including vents, are NOT maintained in good and safe condition, or working properly.		
F. Weather Protection		
1. Deteriorated, crumbling, or loose plaster.		
2. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.		
3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.		
4. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.		
G. Construction Materials are NOT in good and safe working condition.		
H. All buildings or parts of buildings DO NOT have proper exit facilities as required by code or by applicable laws in effect at the time of construction. Exits have not been adequately maintained or increased in relation to any increase in occupant load, addition/alteration, or change of occupancy. When an unsafe condition exists due to a lack of or improper location of exits, additional exits may be required to be installed.		
I. Unit lacks the fire-resistant construction or fire protection systems (like sprinklers) required by this code or by applicable laws in effect at the time of construction. Fire-resistive integrity and fire-extinguishing systems or equipment have not been properly maintained or increased when the number of occupants, building changes, or use has changed.		
J. There are inadequate structural resistance to horizontal forces.		
K. All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.		