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AMENDED IN SENATE APRIL 23, 2019
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SENATE BILL

No. 13

Introduced by Senator Wieckowski
(Principal coauthors: Senators Beall, Hertzberg, and Wiener)
(Principal coauthors: Assembly Members Gloria and Quirk-Silva)
(Coauthors: Senators Nielsen and Skinner)
(Coauthors: Assembly Members ~~Levine~~ *Boerner Horvath, Carrillo, Friedman, Levine, and Patterson*)

December 3, 2018

An act to amend Sections 65585 and 65852.2 of the Government Code, and to add and repeal Section 17980.12 of the Health and Safety Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as amended, Wieckowski. Accessory dwelling units.

(1) The Planning and Zoning Law authorizes a local agency, by ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, to provide for the creation of accessory dwelling units in single-family and multifamily residential zones. Existing law requires accessory dwelling units to comply with specified standards, including that the accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling or detached if located within the same lot, and that it does not exceed a specified amount of total area of floor space.

This bill would, instead, authorize the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling use. The bill would also revise the requirements for an accessory dwelling unit by providing that the accessory dwelling unit may be attached to, or located within, an attached garage, storage area, or other structure, and that it does not exceed a specified amount of total floor area.

(2) Existing law generally authorizes a local agency to include in the ordinance parking standards upon accessory dwelling units, including authorizing a local agency to require the replacement of parking spaces if a garage, carport, or covered parking is demolished to construct an accessory dwelling unit. Existing law also prohibits a local agency from imposing parking standards on an accessory dwelling unit if it is located within one-half mile of public transit.

This bill would, instead, prohibit a local agency from requiring the replacement of parking spaces if a garage, carport, or covered parking is demolished to construct an accessory dwelling unit. The bill would also prohibit a local agency from imposing parking standards on an accessory dwelling unit that is located within a traversable distance of one-half mile of public transit, and would define the term “public transit” for those purposes.

(3) Existing law authorizes a local agency to establish minimum and maximum ~~square-foot unit size~~ limitations on accessory dwelling units, provided that the ordinance permits an ~~800 square-foot accessory dwelling unit~~ *efficiency unit* to be constructed in compliance with local development standards.

~~This bill would instead require that ordinance to permit an 850 square-foot accessory dwelling unit and, if the unit consists of more than one bedroom, a 1,000 square-foot accessory dwelling unit to be constructed in compliance with local development standards.~~

This bill would prohibit a local agency from establishing a minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit, as defined. The bill would also prohibit a local agency from establishing a maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than 850 square feet, and 1000 square feet if the accessory dwelling unit contains more than one bedroom.

(4) Existing law authorizes a local agency to include in an ordinance governing accessory dwelling units a requirement that a permit applicant be an owner-occupant, and authorizes a local agency, as a part of a ministerial approval process for accessory dwelling units, to require

owner occupancy for either the primary or the accessory dwelling unit created by that process.

This bill would, instead, prohibit a local agency from requiring occupancy of either the primary or the accessory dwelling unit.

(5) Existing law requires a local agency that has not adopted an ordinance governing accessory dwelling units to approve or disapprove the application ministerially and without discretionary review within 120 days after receiving the application.

The bill would require a local agency, whether or not it has adopted an ordinance, to consider and approve an application, ministerially and without discretionary review, within 60 days after receiving the application. The bill would also provide that, if a local agency does not act on the application within that time period, the application shall be deemed approved.

(6) Existing law requires fees for an accessory dwelling unit to be determined in accordance with the Mitigation Fee Act. Existing law also requires the connection fee or capacity charge for an accessory dwelling unit requiring a new or separate utility connection to be based on either the accessory dwelling unit's size or the number of its plumbing fixtures.

This bill would prohibit a local agency, special district, or water corporation from imposing any impact fee upon the development of an accessory dwelling unit if that fee, in the aggregate, exceeds specified requirements depending on the size of the unit. The bill would revise the basis for calculating the connection fee or capacity charge specified above to either the accessory dwelling unit's square feet or the number of its drainage fixture unit values, as specified.

(7) Existing law, for purposes of these provisions, defines "accessory structure" as an existing, habitable or nonattached or detached fixed structure, which includes a garage, studio, pool house, or other similar structure.

This bill would redefine "accessory structure" to mean a structure that is accessory and incidental to a dwelling located on the same lot.

(8) Existing law requires a local agency to submit a copy of the adopted ordinance to the Department of Housing and Community Development and authorizes the department to review and comment on the ordinance.

This bill would instead authorize the department to submit written findings to the local agency as to whether the ordinance complies with the statute authorizing the creation of an accessory dwelling unit, and,

if the department finds that the local agency's ordinance does not comply with those provisions, would require the department to notify the local agency and would authorize the department to notify the Attorney General that the local agency is in violation of state law. The bill would authorize the department to adopt guidelines to implement uniform standards or criteria to supplement or clarify the provisions authorizing accessory dwelling units.

(9) Existing law requires the planning agency of each city and county to adopt a general plan that includes a housing element that identifies adequate sites for housing. Existing law authorizes the department to allow a city or county to do so by a variety of methods and also authorizes the department to allow a city or county to identify sites for accessory dwelling units, as specified.

This bill would state that a local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing in accordance with those provisions.

(10) Existing law, the State Housing Law, a violation of which is a crime, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law requires, for those purposes, that any building, including any dwelling unit, be deemed to be a substandard building when a health officer determines that any one of specified listed conditions exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants.

This bill would authorize the owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances to request that the enforcement of the violation be delayed for ~~10~~ 5 years if correcting the violation is not necessary to protect health and safety, as determined by the enforcement agency, subject to specified requirements. The bill would make conforming and other changes relating to the creation of accessory dwelling units.

By increasing the duties of local agencies with respect to land use regulations, and because the bill would expand the scope of a crime under the State Housing Law, the bill would impose a state-mandated local program.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65585 of the Government Code is
2 amended to read:

3 65585. (a) In the preparation of its housing element, each city
4 and county shall consider the guidelines adopted by the department
5 pursuant to Section 50459 of the Health and Safety Code. Those
6 guidelines shall be advisory to each city or county in the
7 preparation of its housing element.

8 (b) (1) At least 90 days prior to adoption of its housing element,
9 or at least 60 days prior to the adoption of an amendment to this
10 element, the planning agency shall submit a draft element or draft
11 amendment to the department.

12 (2) The planning agency staff shall collect and compile the
13 public comments regarding the housing element received by the
14 city, county, or city and county, and provide these comments to
15 each member of the legislative body before it adopts the housing
16 element.

17 (3) The department shall review the draft and report its written
18 findings to the planning agency within 90 days of its receipt of the
19 draft in the case of an adoption or within 60 days of its receipt in
20 the case of a draft amendment.

21 (c) In the preparation of its findings, the department may consult
22 with any public agency, group, or person. The department shall
23 receive and consider any written comments from any public
24 agency, group, or person regarding the draft or adopted element
25 or amendment under review.

26 (d) In its written findings, the department shall determine
27 whether the draft element or draft amendment substantially
28 complies with this article.

29 (e) Prior to the adoption of its draft element or draft amendment,
30 the legislative body shall consider the findings made by the
31 department. If the department's findings are not available within
32 the time limits set by this section, the legislative body may act
33 without them.

1 (f) If the department finds that the draft element or draft
2 amendment does not substantially comply with this article, the
3 legislative body shall take one of the following actions:

4 (1) Change the draft element or draft amendment to substantially
5 comply with this article.

6 (2) Adopt the draft element or draft amendment without changes.
7 The legislative body shall include in its resolution of adoption
8 written findings which explain the reasons the legislative body
9 believes that the draft element or draft amendment substantially
10 complies with this article despite the findings of the department.

11 (g) Promptly following the adoption of its element or
12 amendment, the planning agency shall submit a copy to the
13 department.

14 (h) The department shall, within 90 days, review adopted
15 housing elements or amendments and report its findings to the
16 planning agency.

17 (i) (1) (A) The department shall review any action or failure
18 to act by the city, county, or city and county that it determines is
19 inconsistent with an adopted housing element or Section 65583,
20 including any failure to implement any program actions included
21 in the housing element pursuant to Section 65583. The department
22 shall issue written findings to the city, county, or city and county
23 as to whether the action or failure to act substantially complies
24 with this article, and provide a reasonable time no longer than 30
25 days for the city, county, or city and county to respond to the
26 findings before taking any other action authorized by this section,
27 including the action authorized by subparagraph (B).

28 (B) If the department finds that the action or failure to act by
29 the city, county, or city and county does not substantially comply
30 with this article, and if it has issued findings pursuant to this section
31 that an amendment to the housing element substantially complies
32 with this article, the department may revoke its findings until it
33 determines that the city, county, or city and county has come into
34 compliance with this article.

35 (2) The department may consult with any local government,
36 public agency, group, or person, and shall receive and consider
37 any written comments from any public agency, group, or person,
38 regarding the action or failure to act by the city, county, or city
39 and county described in paragraph (1), in determining whether the
40 housing element substantially complies with this article.

1 (j) The department shall notify the city, county, or city and
2 county and may notify the office of the Attorney General that the
3 city, county, or city and county is in violation of state law if the
4 department finds that the housing element or an amendment to this
5 element, or any action or failure to act described in subdivision
6 (i), does not substantially comply with this article or that any local
7 government has taken an action in violation of the following:

8 (1) Housing Accountability Act (Section 65589.5).

9 (2) Section 65863.

10 (3) Chapter 4.3 (commencing with Section 65915) of Division
11 1 of Title 7.

12 (4) Section 65008.

13 (5) Section 65852.2.

14 SEC. 2. Section 65852.2 of the Government Code is amended
15 to read:

16 65852.2. (a) (1) A local agency may, by ordinance, provide
17 for the creation of accessory dwelling units in areas zoned to allow
18 single-family or multifamily dwelling residential use. The
19 ordinance shall do all of the following:

20 (A) Designate areas within the jurisdiction of the local agency
21 where accessory dwelling units may be permitted. The designation
22 of areas may be based on criteria that may include, but are not
23 limited to, the adequacy of water and sewer services and the impact
24 of accessory dwelling units on traffic flow and public safety.

25 (B) (i) Impose standards on accessory dwelling units that
26 include, but are not limited to, parking, height, setback, lot
27 coverage, landscape, architectural review, maximum size of a unit,
28 and standards that prevent adverse impacts on any real property
29 that is listed in the California Register of Historic Resources.

30 (ii) Notwithstanding clause (i), a local agency may reduce or
31 eliminate parking requirements for any accessory dwelling unit
32 located within its jurisdiction.

33 (C) Provide that accessory dwelling units do not exceed the
34 allowable density for the lot upon which the accessory dwelling
35 unit is located, and that accessory dwelling units are a residential
36 use that is consistent with the existing general plan and zoning
37 designation for the lot.

38 (D) Require the accessory dwelling units to comply with all of
39 the following:

- 1 (i) The *accessory dwelling* unit may be rented separate from
2 the primary residence, but may not be sold or otherwise conveyed
3 separate from the primary residence.
- 4 (ii) The lot includes a proposed or existing single-family
5 dwelling.
- 6 (iii) The accessory dwelling unit is either attached to, or located
7 within, the proposed or existing primary dwelling, including
8 attached garages, storage areas or similar uses, or an accessory
9 structure or detached from the proposed or existing primary
10 dwelling and located on the same lot as the proposed or existing
11 primary dwelling.
- 12 (iv) The total floor area of an attached accessory dwelling unit
13 shall not exceed 50 percent of the proposed or existing primary
14 dwelling living area or 1,200 square feet.
- 15 (v) The total floor area for a detached accessory dwelling unit
16 shall not exceed 1,200 square feet.
- 17 (vi) No passageway shall be required in conjunction with the
18 construction of an accessory dwelling unit.
- 19 (vii) No setback shall be required for an existing garage that is
20 converted to an accessory dwelling unit or to a portion of an
21 accessory dwelling unit, and a setback of no more than five feet
22 from the side and rear lot lines shall be required for an accessory
23 dwelling unit that is constructed above a garage.
- 24 (viii) Local building code requirements that apply to detached
25 dwellings, as appropriate.
- 26 (ix) Approval by the local health officer where a private sewage
27 disposal system is being used, if required.
- 28 (x) (I) Parking requirements for accessory dwelling units shall
29 not exceed one parking space per *accessory dwelling* unit or per
30 bedroom, whichever is less. These spaces may be provided as
31 tandem parking on a driveway.
- 32 (II) Offstreet parking shall be permitted in setback areas in
33 locations determined by the local agency or through tandem
34 parking, unless specific findings are made that parking in setback
35 areas or tandem parking is not feasible based upon specific site or
36 regional topographical or fire and life safety conditions.
- 37 (III) This clause shall not apply to ~~a~~ *an accessory dwelling* unit
38 that is described in subdivision (d).
- 39 (xi) When a garage, carport, or covered parking structure is
40 demolished in conjunction with the construction of an accessory

1 dwelling unit or converted to an accessory dwelling unit, a local
2 agency shall not require that those offstreet parking spaces be
3 replaced.

4 (xii) Accessory dwelling units shall not be required to provide
5 fire sprinklers if they are not required for the primary residence.

6 (2) The ordinance shall not be considered in the application of
7 any local ordinance, policy, or program to limit residential growth.

8 (3) A permit application for an accessory dwelling unit shall be
9 considered and approved ministerially without discretionary review
10 or a hearing, notwithstanding Section 65901 or 65906 or any local
11 ordinance regulating the issuance of variances or special use
12 permits, within 60 days after receiving the application. If the local
13 agency has not acted upon the submitted application within 60
14 days, the application shall be deemed approved. A local agency
15 may charge a fee to reimburse it for costs incurred to implement
16 this paragraph, including the costs of adopting or amending any
17 ordinance that provides for the creation of an accessory dwelling
18 unit.

19 (4) An existing ordinance governing the creation of an accessory
20 dwelling unit by a local agency or an accessory dwelling ordinance
21 adopted by a local agency shall provide an approval process that
22 includes only ministerial provisions for the approval of accessory
23 dwelling units and shall not include any discretionary processes,
24 provisions, or requirements for those units, except as otherwise
25 provided in this subdivision. In the event that a local agency has
26 an existing accessory dwelling unit ordinance that fails to meet
27 the requirements of this subdivision, that ordinance shall be null
28 and void and that agency shall thereafter apply the standards
29 established in this subdivision for the approval of accessory
30 dwelling units, unless and until the agency adopts an ordinance
31 that complies with this section.

32 (5) No other local ordinance, policy, or regulation shall be the
33 basis for the delay or denial of a building permit or a use permit
34 under this subdivision.

35 (6) This subdivision establishes the maximum standards that
36 local agencies shall use to evaluate a proposed accessory dwelling
37 unit on a lot that includes a proposed or existing single-family
38 dwelling. No additional standards, other than those provided in
39 this subdivision, shall be utilized or imposed, except that a local

1 agency may require that the property be used for rentals of terms
2 longer than 30 days.

3 (7) A local agency may amend its zoning ordinance or general
4 plan to incorporate the policies, procedures, or other provisions
5 applicable to the creation of an accessory dwelling unit if these
6 provisions are consistent with the limitations of this subdivision.

7 (8) An accessory dwelling unit that conforms to this subdivision
8 shall be deemed to be an accessory use or an accessory building
9 and shall not be considered to exceed the allowable density for the
10 lot upon which it is located, and shall be deemed to be a residential
11 use that is consistent with the existing general plan and zoning
12 designations for the lot. The accessory dwelling unit shall not be
13 considered in the application of any local ordinance, policy, or
14 program to limit residential growth.

15 (b) When a local agency that has not adopted an ordinance
16 governing accessory dwelling units in accordance with subdivision
17 (a) receives an application for a permit to create an accessory
18 dwelling unit pursuant to this subdivision, the local agency shall
19 approve or disapprove the application ministerially without
20 discretionary review pursuant to subdivision (a) within 60 days
21 after receiving the application. If the local agency has not acted
22 upon the submitted application within 60 days, the application
23 shall be deemed approved.

24 ~~(e) A local agency may establish minimum and maximum unit
25 size requirements for both attached and detached accessory
26 dwelling units. No minimum or maximum size for an accessory
27 dwelling unit, or size based upon a percentage of the proposed or
28 existing primary dwelling, shall be established by ordinance for
29 either attached or detached dwellings that does not permit either
30 of the following to be constructed in compliance with local
31 development standards:~~

32 ~~(1) An 850 square-foot accessory dwelling unit.~~

33 ~~(2) A 1,000 square-foot accessory dwelling unit, if the unit
34 provides more than one bedroom.~~

35 *(c) (1) A local agency shall not establish by ordinance a
36 minimum square footage requirement for either an attached or
37 detached accessory dwelling unit that prohibits an efficiency unit.*

38 *(2) A local agency shall not establish by ordinance a maximum
39 square footage requirement for either an attached or detached
40 accessory dwelling unit that is less than either of the following:*

1 (A) 850 square feet.

2 (B) 1,000 square feet for an accessory dwelling unit that
3 provides more than one bedroom.

4 (d) Notwithstanding any other law, a local agency, whether or
5 not it has adopted an ordinance governing accessory dwelling units
6 in accordance with subdivision (a), shall not impose parking
7 standards for an accessory dwelling unit in any of the following
8 instances:

9 (1) The accessory dwelling unit is located within a traversable
10 distance of one-half mile of public transit.

11 (2) The accessory dwelling unit is located within an
12 architecturally and historically significant historic district.

13 (3) The accessory dwelling unit is part of the proposed or
14 existing primary residence or an accessory structure.

15 (4) When on-street parking permits are required but not offered
16 to the occupant of the accessory dwelling unit.

17 (5) When there is a car share vehicle located within one block
18 of the accessory dwelling unit.

19 (e) Notwithstanding subdivisions (a) to (d), inclusive, a local
20 agency shall ministerially approve an application for a building
21 permit to create one accessory dwelling unit per lot if the unit is
22 substantially contained within the existing space of a single-family
23 residence or accessory structure, has independent exterior access
24 from the existing residence, and the side and rear setbacks are
25 sufficient for fire safety.

26 (f) A local agency shall not require owner occupancy for either
27 the primary or the accessory dwelling unit. An agreement with a
28 local agency to maintain owner occupancy as a condition of
29 issuance of a building permit for an accessory dwelling unit shall
30 be void and unenforceable.

31 (g) (1) Fees charged for the construction of accessory dwelling
32 units shall be determined in accordance with Chapter 5
33 (commencing with Section 66000) and Chapter 7 (commencing
34 with Section 66012).

35 (2) An accessory dwelling unit shall not be considered by a
36 local agency, special district, or water corporation to be a new
37 residential use for the purposes of calculating connection fees or
38 capacity charges for utilities, including water and sewer service.

1 (3) A local agency, special district, or water corporation shall
2 not impose any impact fee upon the development of an accessory
3 dwelling unit if that fee, in the aggregate, exceeds the following:

4 (A) An accessory dwelling unit less than 750 square feet will
5 be charged zero impact fees.

6 (B) An accessory dwelling unit 750 or more square feet shall
7 be charged 25 percent of the impact fees otherwise charged for a
8 new single-family dwelling on the same lot.

9 (4) For an accessory dwelling unit described in subdivision (e),
10 a local agency, special district, or water corporation shall not
11 require the applicant to install a new or separate utility connection
12 directly between the accessory dwelling unit and the utility or
13 impose a related connection fee or capacity charge.

14 (5) For an accessory dwelling unit that is not described in
15 subdivision (e), a local agency, special district, or water corporation
16 may require a new or separate utility connection directly between
17 the accessory dwelling unit and the utility. Consistent with Section
18 66013, the connection may be subject to a connection fee or
19 capacity charge that shall be proportionate to the burden of the
20 proposed accessory dwelling unit, based upon either its square feet
21 or the number of its drainage fixture unit (DFU) values, as defined
22 in the Uniform Plumbing Code adopted and published by the
23 International Association of Plumbing and Mechanical Officials
24 upon the water or sewer system. This fee or charge shall not exceed
25 the reasonable cost of providing this service.

26 (h) This section does not limit the authority of local agencies
27 to adopt less restrictive requirements for the creation of an
28 accessory dwelling unit.

29 (i) (1) A local agency shall submit a copy of the ordinance
30 adopted pursuant to subdivision (a) to the Department of Housing
31 and Community Development within 60 days after adoption. After
32 adoption of an ordinance, the department may submit written
33 findings to the local agency as to whether the ordinance complies
34 with the section.

35 (2) If the department finds that the local agency's ordinance
36 does not comply with this section, the department shall notify the
37 local agency and may notify the office of the Attorney General
38 that the local agency is in violation of state law.

39 (3) The local agency shall consider findings made by the
40 department pursuant to paragraph (2) and may change the ordinance

1 to comply with this section or adopt the ordinance without changes.
2 The local agency shall include findings in its resolution adopting
3 the ordinance that explain the reasons the local agency believes
4 that the ordinance complies with this section despite the findings
5 of the department.

6 (j) The department may review, adopt, amend, or repeal
7 guidelines to implement uniform standards or criteria that
8 supplement or clarify the terms, references, and standards set forth
9 in this section. The guidelines adopted pursuant to this subdivision
10 are not subject to Chapter 3.5 (commencing with Section 11340)
11 of Part 1 of Division 3 of Title 2.

12 (k) As used in this section, the following terms mean:

13 (1) “Accessory structure” means a structure that is accessory
14 and incidental to a dwelling located on the same lot.

15 (2) “*Efficiency unit*” has the same meaning as defined in Section
16 17958.1 of the Health and Safety Code.

17 ~~(2)~~

18 (3) “Living area” means the interior habitable area of a dwelling
19 unit including basements and attics but does not include a garage
20 or any accessory structure.

21 ~~(3)~~

22 (4) “Local agency” means a city, county, or city and county,
23 whether general law or chartered.

24 ~~(4)~~

25 (5) “Neighborhood” has the same meaning as set forth in Section
26 65589.5.

27 ~~(5)~~

28 (6) “Accessory dwelling unit” means an attached or a detached
29 residential dwelling unit which provides complete independent
30 living facilities for one or more persons. It shall include permanent
31 provisions for living, sleeping, eating, cooking, and sanitation on
32 the same parcel as the single-family dwelling is situated. An
33 accessory dwelling unit also includes the following:

34 (A) ~~An efficiency unit, as defined in Section 17958.1 of the~~
35 ~~Health and Safety Code. unit.~~

36 (B) A manufactured home, as defined in Section 18007 of the
37 Health and Safety Code.

38 ~~(6)~~

1 (7) “Passageway” means a pathway that is unobstructed clear
2 to the sky and extends from a street to one entrance of the accessory
3 dwelling unit.

4 ~~(7)~~

5 (8) “Public transit” means a location, including, but not limited
6 to, a bus stop or train station, where the public may access buses,
7 trains, subways, and other forms of transportation that charge set
8 fares, run on fixed routes, and are available to the public.

9 ~~(8)~~

10 (9) “Tandem parking” means that two or more automobiles are
11 parked on a driveway or in any other location on a lot, lined up
12 behind one another.

13 (l) Nothing in this section shall be construed to supersede or in
14 any way alter or lessen the effect or application of the California
15 Coastal Act of 1976 (Division 20 (commencing with Section
16 30000) of the Public Resources Code), except that the local
17 government shall not be required to hold public hearings for coastal
18 development permit applications for accessory dwelling units.

19 (m) A local agency may count an accessory dwelling unit for
20 purposes of identifying adequate sites for housing, as specified in
21 subdivision (a) of Section 65583.1, subject to authorization by the
22 department and compliance with this division.

23 (n) In enforcing building standards for an accessory dwelling
24 unit pursuant to Article 1 (commencing with Section 17960) of
25 Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code,
26 a local agency, upon request of an owner of an accessory dwelling
27 unit for a delay in enforcement, shall delay enforcement of a
28 building standard, subject to compliance with Section 17980.12
29 of the Health and Safety Code.

30 SEC. 3. Section 17980.12 is added to the Health and Safety
31 Code, immediately following Section 17980.11, to read:

32 17980.12. (a) (1) An enforcement agency, until January 1,
33 2030, that issues to an owner of an accessory dwelling unit a notice
34 to correct a violation of any provision of any building standard
35 pursuant to this part shall include in that notice a statement that
36 the owner of the unit has a right to request a delay in enforcement
37 pursuant to this subdivision.

38 (2) The owner of an accessory dwelling unit that receives a
39 notice to correct violations or abate nuisances as described in
40 paragraph (1) may, in the form and manner prescribed by the

1 enforcement agency, submit an application to the enforcement
2 agency requesting that enforcement of the violation be delayed for
3 ~~10~~ *five* years on the basis that correcting the violation is not
4 necessary to protect health and safety.

5 (3) The enforcement agency shall grant an application described
6 in paragraph (2) if the enforcement determines that correcting the
7 violation is not necessary to protect health and safety. In making
8 this determination, the enforcement agency shall consult with the
9 entity responsible for enforcement of building standards and other
10 regulations of the State Fire Marshal pursuant to Section 13146.

11 (4) The enforcement agency shall not approve any applications
12 pursuant to this section on or after January 1, 2030. However, any
13 delay that was approved by the enforcement agency before January
14 1, 2030, shall be valid for the full term of the delay that was
15 approved at the time of the initial approval of the application
16 pursuant to paragraph (3).

17 (b) For purposes of this section, “accessory dwelling unit” has
18 the same meaning as defined in Section 65852.2.

19 (c) This section shall remain in effect only until January 1, ~~2040~~,
20 2035, and as of that date is repealed.

21 SEC. 4. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 a local agency or school district has the authority to levy service
24 charges, fees, or assessments sufficient to pay for the program or
25 level of service mandated by this act, within the meaning of Section
26 17556 of the Government Code.

O