



AB-2533 Accessory dwelling units: junior accessory dwelling units: unpermitted developments. (2023-2024)

As Amends the Law Today

SECTION 1. Section 66332 of the Government Code is amended to read:

66332. (a) Notwithstanding any other law, and except as otherwise provided in subdivision (b), a local agency shall not deny a permit for an unpermitted accessory dwelling unit *or unpermitted junior accessory dwelling unit* that was constructed before January 1, ~~2018~~, 2020, due to either of the following:

(1) The accessory dwelling unit *or junior accessory dwelling unit* is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

(2) The accessory dwelling unit *or junior accessory dwelling unit* does not comply with this article or *Article 3 (commencing with Section 66333), as applicable, or* any local ordinance regulating accessory dwelling *units or junior accessory dwelling* units.

(b) Notwithstanding subdivision (a), a local agency may deny a permit for an accessory dwelling unit *or junior accessory dwelling unit* subject to subdivision (a) if the local agency makes a finding that correcting the violation is necessary to ~~protect the health and safety of the public or occupants of the structure.~~ *comply with the standards specified in Section 17920.3 of the Health and Safety Code.*

(c) This section shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

(d) A local agency shall inform the public about the provisions of this section through public information resources, including permit checklists and the local agency's internet website, which shall include both of the following:

(1) A checklist of the conditions specified in Section 17920.3 of the Health and Safety Code that would deem a building substandard.

(2) Informing homeowners that, before submitting an application for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit.

(e) A homeowner applying for a permit for a previously unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code and when the fee is authorized by subdivision (e) of Section 66324.

(f) Subject to subdivision (c), upon receiving an application to permit a previously unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020, an inspector from the local agency may inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the local agency shall not penalize an applicant for having the unpermitted accessory dwelling unit or junior accessory dwelling unit and shall approve necessary permits to correct noncompliance with health and safety standards.

SEC. 2. *If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*