

## ADU AND JADU AMNESTY AND LEGALIZATION

This bulletin explains California Government Code Section 66332 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)

#### Definitions:

##### ADUs (Accessory Dwelling Units)

Also called secondary units or granny flats, ADUs are attached or detached residential dwelling units which are secondary in nature to a One-Family, Two-Family, or Multiple-Family Dwelling units 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 (Junior Accessory Units)

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 includes 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 (now known as California Government Code 66332) 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 finds 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

Minimum habitability standards for legalization are derived from California Health & Safety Code §17920.3, which requires the following:

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

## **BUILDING PERMIT PROCESS**

The applicant shall submit a complete building permit application with building plans, structural calculations prepared by a licensed design professional or documentation demonstrating compliance with applicable prescriptive code provisions and a completed Substandard Building Checklist (found in this document). pay all applicable fees in accordance with the current fee schedule, and complete all required inspections.

Note: Pursuant to Government Code §66332(f), no additional penalty fees shall be imposed for the legalization of unpermitted ADUs or JADUs.

### **Site Plan**

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

### **“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, framing, elevations, basic MEP (Mechanical, Plumbing, and Electrical), Energy calculation and construction details. Refer to [Residential Submittal Requirements](#) for typical building plan requirements. Any improvements needed based on the Substandard Building Checklist (see below) 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 and they will verify the structure is built according to approved City 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.

If you have any questions, please contact building Division:

200 Old Bernal Avenue

Pleasanton Ca, 94566

Email: [Buildingdivision@cityofpleasantonca.gov](mailto:Buildingdivision@cityofpleasantonca.gov)

Phone: 925-931-5300

## SUBSTANDARD BUILDING CHECKLIST

Please complete the following checklist.

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 California Residential Code and/or the California Building Code.

Applicant and owner information	
Property owner name:	Contact Phone Number:
Mailing Address:	City/State/Zip:
E-mail Address:	
Property Address (only if different from mailing address):	

SUBSTANDARD BUILDING CHECKLIST		
Do the following substandard conditions exist?	Exists	Does not Exist
<b>A. Sanitation Requirements</b>		
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.		
7. Room and space dimensions less than required by this code.		
8. Lack of required electrical lighting or outlet spacing required per code.		
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>B. Structural Hazards</b>		
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.		

	Exists	Does not Exist
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.		
10. Inadequate structural resistance to horizontal forces.		
<b>C. Any Nuisance</b> (e.g Conditions that are detrimental to health, safety, or property and pose harmful or unsafe conditions)		
<b>D. 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.</b>		
<b>E. All plumbing is NOT maintained in good condition, working properly and/or free of cross connections and siphonage between fixtures.</b>		
<b>F. All mechanical equipment, including vents which are NOT maintained in good and safe condition or working properly.</b>		
<b>G. Weather Protection</b>		
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.		
<b>H. Building construction materials are NOT in good and safe working condition.</b>		
<b>I. 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.</b>  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.		
<b>J. 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.</b>		
<b>K. Premises containing accumulated weeds, vegetation, debris, waste, stagnant water, combustible materials, or similar conditions that create fire, health, or safety hazards.</b>		
<b>L. 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.</b>		