

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 956 (Quirk-Silva) – As Amended March 17, 2025

SUBJECT: Accessory dwelling units: ministerial approval: single-family dwellings.

SUMMARY: Allows for the streamlined and ministerial approval of up to two detached accessory dwelling units (ADUs) on lots with an existing or proposed single-family dwelling. Specifically, **this bill:**

- 1) Authorizes streamlined and ministerial approval of two, instead of one, detached new construction, accessory dwelling units that do not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling as specified.
- 2) Specifies that no reimbursement is required by this bill because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill.

EXISTING LAW:

- 1) Defines an ADU as an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. ADUs must include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated on. [Government Code (GOV) § 66313]
- 2) Requires a local agency to ministerially approve, within specified timelines, an application for a building permit within a residential or mixed-use zone to create one or more ADUs that meet all state and local requirements, as follows:
 - a) On lots with an existing or proposed single-family dwelling, the local agency must allow one detached ADU, one conversion ADU, and one junior ADU (JADU).
 - b) On lots with an existing multifamily dwelling, no more than 8 detached ADUs, provided that the number of detached ADUs does not exceed the number of existing dwellings on the lot. Additionally, lots with an existing multifamily dwelling are allowed to have at least one, and up to 25% of the existing number of multifamily dwelling conversion ADUs.
 - c) On lots with a proposed multifamily dwelling; no more than two detached ADUs. (GOV § 66323).
- 3) Provides that a local agency is limited in its ability to establish local development standards that differ from specified standards established in state law for issues such as density, height, square footage, and setbacks. (GOV §§ 66314, 66319)
- 4) Prohibits a local agency from requiring the replacement of offstreet parking spaces when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU. (GOV § 66314)

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Bill Summary and Author’s Statement.** This bill allows for the streamlined and ministerial approval of up to two detached ADUs on lots with an existing or proposed single-family dwelling. The author is the sponsor of this bill.

According to the author, "AB 956 is a critical step toward addressing California’s housing crisis by making it easier for families to build the housing they need. Too many families are trapped by outdated restrictions when they need space for aging parents, adult children, or essential rental income. This bill cuts through the red tape and ensures that more Californians can access flexible, affordable housing options. The future of our communities depends on solutions like this: expanding housing, keeping families together, and ensuring every Californian has a place to call home."

- 2) **ADUs and Gentle Density as a Solution.** Recently, there has been a national trend toward allowing more “gentle density,” such as ADUs, duplexes, fourplexes, townhomes, and other moderately dense housing types that were common before zoning restrictions took hold. In 2016, SB 1069 (Wieckowski), Chapter 720, and AB 2299 (Bloom), Chapter 735, allowed ADUs by right on all residentially zoned parcels in California. SB 1211 (Skinner), Chapter 296, Statutes of 2024, continued this trend by increasing the number of allowable detached ADUs on multifamily properties from two to as many as eight, depending on the number of existing multifamily units on the site. Additional legislation has established statewide standards for ADU setbacks, height limits, square footage, and other land use regulations, regardless of local zoning. ADUs are now required to be reviewed within 60 days by local governments through a streamlined, ministerial process. By permitting attached ADUs, detached ADUs, and junior ADUs (JADUs) on all residential lots, these and other laws have facilitated the construction of "missing middle" housing in exclusionary single-family zones and across all residential neighborhoods in the state.

Taken together, these reforms have created a fast, predictable, uniform, and enforceable approval process for ADUs statewide. As a result, ADUs have gone from representing less than 1% of new housing construction before 2017 to approximately 20% today, with more than 23,000 ADUs legally completed in 2023.¹ Their numbers are expected to continue growing as the ADU construction and financing industry matures, helping meet an estimated market potential of 1.8 million units in California.² Because ADUs are not dependent on state funding allocations, they are poised to remain a significant and growing part of the state’s new housing stock.

ADUs address California’s severe housing deficit and offer benefits to both homeowners and future residents. For homeowners, ADUs can generate rental income to help offset mortgage costs or supplement retirement savings. They may also increase property value and support

¹ Per HCDs “APR Dashboard” <https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard>. Complete data for 2023 will be made available by June 30, 2024. This statistic relies on data pulled on May 28, 2024.

² Monkkonen et al, 2020, *One to Four: The Market Potential of Fourplexes in California’s Single-Family Neighborhoods*, UCLA Working Paper Series: <https://www.lewis.ucla.edu/research/market-potential-fourplexes/>

multigenerational living, allowing families to house aging parents, adult children, or caregivers while preserving privacy. JADUs, typically smaller and created from existing space in the main residence, offer a lower-cost way to add living space using existing infrastructure. For renters, ADUs and JADUs expand the housing supply in established neighborhoods, creating more rental opportunities in areas where housing is often scarce or expensive. Because they are typically smaller than average homes and do not require land acquisition, ADUs are generally cheaper to build and rent than other market-rate units, making them more accessible to lower-income households.

- 3) **SB 9 (Atkins).** ADU law is not the only way through which the state promoted missing middle housing in single-family zoning districts. In 2021, the Governor signed SB 9 (Atkins), Chapter 162, which allowed up to four homes on lots where currently only one exists. It did so by allowing existing single-family homes to be converted into duplexes. It also allowed single-family parcels to be subdivided into two lots, while allowing for a new two-unit building to be constructed on the newly formed lot.

The changes to land use law created by SB 9's passage have the potential to help address the state's multi-million unit housing deficit. According to a 2021 study from the UC Berkeley Turner Center for Housing Innovation, the passage of SB 9 increased the amount of market-feasible homes statewide by 700,000.³ However, a 2023 analysis from the Turner Center determined that, in its first year, the effect of the law has been relatively limited.⁴ Los Angeles had the most activity, with 211 applications for new units under SB 9 in 2022. The state's other large cities all reported very few applications for lot splits or new units. For example, the City of San Diego reported receiving just seven applications for new SB 9 units in 2022.

There are multiple reasons for this slow uptake. It often takes a few years for the construction process to catch up with changes to land use policy. Also, higher interest rates greatly increased the cost to finance a second unit, adding a chilling effect to the housing market. The City of San Diego has a generous local ADU program, providing a local pathway to increasing missing-middle housing which is less restrictive than the provisions of SB 9. SB 450 (Atkins), Chapter 286, Statutes of 2024, amended SB 9 to address some of the early barriers to low utilization of SB 9. SB 450 (Atkins) added a 60-day review period for SB 9 applications, removed the ability of local agencies to deny certain SB 9 projects, prohibited a local agency from imposing standards on SB 9 projects that do not apply to the underlying zoning district, gave HCD explicit enforcement authority over SB 9, and strengthened the statewide concern findings that applied SB 9 to charter cities. The provisions of SB 450 became effective on January 1 of this year, so it is too early to judge the impact of those changes on SB 9 uptake.

ADU law and SB 9 are complementary strategies aimed at increasing density on single-family parcels, but they operate under different frameworks. Under current law, ADUs may be used in combination with SB 9 so long as the total number of units on a lot does not exceed four. Property owners may use both tools to achieve the maximum allowed density in a configuration that best suits their site and circumstances, for example, two primary units under SB 9 and one ADU per unit. This bill would not change that cap. Instead, the ability to

³ <https://turnercenter.berkeley.edu/wp-content/uploads/2021/07/SB-9-Brief-July-2021-Final.pdf>

⁴ <https://turnercenter.berkeley.edu/research-and-policy/sb-9-turns-one-applications/>

develop up to five units (a primary residence, two detached ADUs, one conversion ADU, and one JADU) would apply only to single-family lots that are not utilizing SB 9's provisions, including lot splits or duplex conversions.

The distinctions between SB 9 and ADU law may influence which pathway a property owner chooses when seeking to increase density, based on factors such as cost, design flexibility, and regulatory requirements. SB 9 projects often require compliance with local development standards such as height limits and objective design guidelines, and may be subject to proportionate impact fees and infrastructure upgrades, particularly for lot splits. In contrast, ADUs benefit from fewer local restrictions and exemptions from certain fees, especially for units under 750 square feet. As a result, some property owners may prefer to pursue multiple ADUs, including by taking advantage of the provisions of this bill, rather than an SB 9 lot split, especially if their goal is to add rental units without added costs or design requirements. As a result, this bill could cause homeowners and small-scale developers to rethink how density is added in single-family neighborhoods across the state.

- 4) **Arguments in Support.** LeadingAge CA writes in support: “As California’s aging population grows and housing costs continue to rise, many families are turning to ADUs as a practical means of keeping older loved ones nearby, housed, and supported. By clarifying state law to allow multiple detached ADUs on appropriate single-family lots, AB 956 promotes multigenerational living, increases housing supply, and eliminates local inconsistencies that have historically stalled ADU development. This bill is especially important for older adults who wish to age in place with family support while maintaining privacy and independence.”
- 5) **Arguments in Opposition.** The League of California Cities writes in opposition: “While Cal Cities appreciates your desire to pursue a housing production proposal, unfortunately, AB 956, as currently drafted, will not spur much-needed housing construction in a manner that supports local flexibility, decision-making, and community input. State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement and costs associated with developing and adopting zoning ordinances and state-mandated housing elements that are certified by the California Department of Housing and Community Development. It is concerning that cities are being forced to spend tens of thousands of dollars on housing plans only to have them pushed aside and replaced with a one-size-fits-all zoning dictated by the Legislature.”
- 6) **Related Legislation.** AB 647 (Mark Gonzalez) would establish a streamlined and ministerial approvals process for up to eight units on all residential properties with a zoned capacity for 8 dwelling units in the state’s urban areas, with affordability requirements and exclusions for environmental considerations and tenant protections.
- 7) **Previous Legislation.** SB 1211 (Skinner), Chapter 296, Statutes of 2024, furthered the trend towards gentle density by increasing the number of allowable detached ADUs on multifamily properties from 2 to up to 8, depending on the existing number of multifamily units on the site.

SB 477 (Senate Committee on Housing), Chapter 7, Statutes of 2024, reorganized ADU and JADU law.

AB 976 (Ting), Chapter 751, Statutes of 2023, prohibited a local agency from imposing owner occupancy requirements on properties with an ADU.

AB 1033 (Ting), Chapter 752, Statutes of 2023, allowed an ADU to be separately conveyed from the primary residence

SB 897 (Wieckowski), Chapter 664, Statutes of 2022, created a process for the permitting of unpermitted ADUs.

SB 9 (Atkins), Chapter 162, Statutes of 2021, required the ministerial approval by a local agency of a duplex in a single-family zone and the lot split of a parcel zoned for residential use into two parcels.

AB 587 (Friedman), Chapter 657, Statutes of 2019, allowed an ADU to be sold or conveyed separately from the primary residence to a qualified buyer under specified circumstances.

AB 68 (Ting), Chapter 655, Statutes of 2019, AB 881 (Bloom), Chapter 659, Statutes of 2019, and SB 13 (Wieckowski), Chapter 653, Statutes of 2019, made changes to ADU and JADU laws, including narrowing the criteria by which local jurisdictions can limit where ADUs are permitted, clarifying that ADUs must be ministerially approved if constructed in existing garages, eliminating for five years the potential for local agencies to place owner-occupancy requirements on the units, prohibiting an ordinance from imposing a minimum lot size for an ADU, and eliminating impact fees on ADUs that are 750 square feet or less and capping fees on ADUs that are 750 square feet or more to 25 percent

AB 2299 (Bloom), Chapter 735, Statutes of 2016; and SB 1069 (Wieckowski), Chapter 720, Statutes of 2016, provided legislative intent re ADUs and provided requirements and authorizations for the entitlement of ADUs.

AB 2406 (Thurmond), Chapter 755, Statutes of 2016, established JADU law.

AB 2604 (Torrico), Chapter 246, Statutes of 2008, authorized a local agency to defer the collection of one or more fees up to the close of escrow.

AB 641 (Torrico), Chapter 603, Statutes of 2007, prohibited local governments from requiring the payment of local developer fees before the developer has received a certificate of occupancy, pursuant to a specified exemption, for any housing development in which at least 49 percent of the units are affordable to low or very low income households.

- 8) **Double-Referral.** This bill is double-referred to the Assembly Housing and Community Development Committee, where it passed on 11-0 vote on April 24, 2025.

REGISTERED SUPPORT / OPPOSITION:

Support

California Apartment Association
East Bay for Everyone
Leadingage California
South Pasadena Residents for Responsible Growth

Opposition

City of Hesperia
City of Murrieta
League of California Cities

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