



August 7, 2018

The Honorable Phil Ting
Member, California State Assembly
State Capitol, Room 6026
Sacramento, CA 95814

**Re: AB 2890 (Ting): Land use: accessory dwelling units
As amended on July 3, 2018 – OPPOSE UNLESS AMENDED
To be heard in Senate Appropriations Committee**

Dear Assembly Member Ting,

The California State Association of Counties (CSAC), the Urban Counties of California (UCC), the Rural County Representatives of California (RCRC), the League of California Cities (LCC), and the American Planning Association California Chapter (APA) are opposed to your Assembly Bill 2890 in its current form. This bill would significantly amend the statewide standards that apply to locally-adopted ordinances concerning accessory dwelling units (ADUs), even though the law was thoroughly revised in the 2016 Legislative Session. These revisions made in 2016 were a product of two carefully negotiated bills that only became effective in January 2017, with further amendments during the 2017 Legislative Session. All local agencies that worked in good faith to implement those laws would have to reopen their ordinances yet again to comply with the provisions of AB 2890.

Despite our overriding concern with revisiting ADU law so soon after local governments have recently finished updating their ordinance, or are in the progress of doing so, our organizations would remove our opposition if the following amendments were incorporated. Full text of these requested amendments are included as an attachment.

Remove Loophole Around Health and Safety Standards. Section 1 AB 2890 amends Government Code Section 65852.2 (e), thereby circumventing local ordinances, which, pursuant to Government Code Section 65852.2 (a), may exclude detached, new-construction ADUs in certain areas based on criteria related to health and safety. Local agencies must retain the ability to either preclude these new structures in areas where their construction would create health and safety issues, or to impose conditions on any such application to mitigate health and safety concerns. For example, a local agency should be authorized to impose setback requirements in

excess of the default four-foot setback pursuant to AB 2890 to ensure that an ADU can meet CalFire's defensible space requirements in areas with higher risk for wildfires.

Continue to Allow Legitimate Restrictions on Parcel Size and Lot Coverage.

Parcel sizes and lot coverage standards are important regulatory tools for ensuring that a particular lot can actually accommodate an ADU when public sewer and water service are not available. Local agencies should be able to impose reasonable lot size or coverage standards based on health and safety issues, including, but not limited to, the State Water Resources Control Board's 2012 Onsite Wastewater Treatment Systems Policy.

Timing for Approval. A 90-day timeframe for permit approval is a reasonable timeframe for granting a ministerial permit for an ADU, once a complete application is received.

Consistency with State Law. AB 2890 should clarify that only those provisions of local ordinances that are inconsistent with standards in state law are null and void, otherwise the approval of an ADU application pursuant to a local ordinance that otherwise conforms with state law could be challenged in court, creating uncertainty for applicants. This is not merely a theoretical concern, but has actually occurred in a local jurisdiction.

Minimum Allowable Unit Size. Current law requires that local ordinances allow at least an efficiency unit of 150 square feet. A 500 square foot minimum is a reasonable limitation.

Clarify Maximum Number of ADUs and Applicability of JADU Section. AB 2890 text is unclear with regard to how many of the various types of ADUs must be permitted per qualifying residential lot with a single family home. The bill should clarify that one ADU or Junior Accessory Dwelling (JADU) may be created by converting existing space, and one additional detached, new-construction ADU may be constructed on the same parcel. The bill should also clarify the interaction between Section 65852.2 and Section 65852.22,

Establish a Maximum Number of Multifamily ADUs and Remove References to Likely Substandard Dwellings. AB 2890 should limit the maximum number of ADUs that may be created in a multifamily structure to one ADU per every ten existing rental units, or fraction thereof, and should require that these new units be located within the structure's existing space. The bill should be amended to remove references to spaces that are unlikely to meet building code standards for a dwelling unit or that otherwise present life safety hazards.

Clarify Non-Conforming Conditions. AB 2890 should clarify that its prohibition on requiring correction of non-conforming conditions as a condition for ministerial approval of an ADU permit only applies to conditions that do not conform to zoning codes. Local governments must retain the ability to require correction of illegally constructed

improvements that do not meet building or safety code requirements or other hazardous conditions.

Clarify Owner Occupancy Language. AB 2890 provisions regarding owner occupancy should be amended to refer to a lot with a single family home rather than a single family lot.

Clarify Short-Term Rental Prohibition. AB 2890 should be amended to clarify the language prohibiting short-term rentals for ADUs as issued by a building permit pursuant to subdivision (e).

Clarify Department of Housing and Community Development Process. AB 2890 should be amended to clarify the process by which the Department of Housing and Community Development may review and comment on local ordinances.

Our organizations will remove our opposition to AB 2890 if the foregoing amendments are adopted. If you need additional information regarding our position on this measure, please do not hesitate to contact Christopher Lee of CSAC at (916) 327-7500 (clee@counties.org), Tracy Rhine of RCRC at (916) 447-4806 (trhine@rcrcnet.org), Jolena Voorhis of UCC at (916) 327-7531 (jolena@urbancounties.com), Jason Rhine of LCC at (916) 658-8200 (jrhine@cacities.org), or Lauren De Valencia of APA California at (916) 443-5301 or lauren@stefangeorge.com.

Sincerely,



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CSAC



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(Enclosure)

cc: The Honorable Anthony Portantino, Chair of Senate Appropriations Committee
Members, Senate Appropriations Committee
Mark McKenzie, Staff Director, Senate Appropriations Committee
Ryan Eisberg, Consultant, Senate Republican Caucus

Proposed Amendments to AB 2890
(July 3, 2018 ver.)

SECTION 1.

Section 65852.2 of the Government Code is amended to read:

65852.2.

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

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

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, ~~lot coverage~~, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. *These standards shall not include requirements on ~~minimum lot size, lot coverage, or floor area ratio.~~ Any requirements for minimum lot size shall comply with subsection (a)(1)(B)(iii).*

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

(iii) A local agency may not impose minimum lot size requirements for accessory dwelling units that are more restrictive than the following:

(1) 5,000 square feet for accessory dwelling units that will be connected to both a community water system and a public sanitary sewer system.

(2) Two acres for accessory dwelling units that will not be connected to a community water system.

(3) Two acres, or the minimum number of acres per new single family dwelling unit lot served by an onsite wastewater treatment system as set forth in regulations adopted by the State Water Resources Control Board pursuant to Chapter 4.5 (commencing with Section 13290) of Division 7 of the Water Code or in a local agency management program adopted in accordance therewith, whichever is larger, for accessory dwelling units that will not be connected to a public sanitary sewer system.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory

dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

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

(i) The unit may be rented separate from the primary residence, ~~buy~~ *but* may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical

automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

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

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within ~~120~~ 60—90 days after receiving ~~the—a complete~~ application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet one or more of the requirements of this subdivision, that ordinance shall be null and void to the extent of such conflict upon the effective date of the act adding this paragraph and that agency shall thereafter apply the applicable standard or standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency ~~adopts~~ amends its ordinance ~~that to comply~~ comply with this section.

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

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days. *If an ordinance imposes an owner-occupancy restriction, this restriction shall not be monitored more frequently than annually based on published public documents that evidence residency, including, but not limited to, a driver's license, school registration, or a voter registration document. For purposes of this requirement, an owner-occupant shall include any of the following:*

(A) An owner of the lot who occupies either the primary dwelling or the accessory dwelling unit.

(B) A trust in which ownership of the lot is placed if at least one beneficiary of the trust is a person with a disability and that person occupies the primary dwelling or the accessory dwelling unit.

(C) An organization that owns the lot in order to provide long-term, deed-restricted affordable housing that is subject to a regulatory agreement with a local agency.

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

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

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within ~~120~~ 60–90 days after receiving ~~the~~ a complete application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an accessory dwelling unit that is efficiency unit 800–500 square foot-feet accessory dwelling unit and an at least in floor area and 16 feet in height accessory dwelling unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

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

(1) The accessory dwelling unit is located within one-half mile of public transit.

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

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

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

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

(e) (I) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit ~~to create within a zone for single family use one accessory dwelling unit per single family lot if the unit is contained within the existing space of a single family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.~~ *within a residential or mixed-use zone to create any one or both of the following on a lot zoned for single family use:*

(A) *One accessory dwelling unit ~~and~~ or one junior accessory dwelling unit per lot with an existing single-family dwelling if all of the following apply:*

(i) *The accessory dwelling unit or junior accessory dwelling unit is within the existing space of a single-family dwelling or accessory structure, including, but not limited to, reconstruction of an existing space with the same physical dimensions as the existing accessory structure.*

(ii) *The space has exterior access from the existing single-family dwelling.*

(iii) *The side and rear setbacks are sufficient for fire and safety.*

(iv) *A junior accessory dwelling unit shall comply with the provisions of Section 65852.22.*

(B) *One detached, new-construction, single-story accessory dwelling unit that may be subject to a limit of not more than 800-500 square feet, may be subject to a height limit of 16 feet, and that does not exceed four-foot side and rear yard setbacks for a lot with a single-family dwelling, unless the local agency has determined, based upon substantial evidence, that detached new construction accessory dwelling units shall be excluded from the area for health or safety reasons that may include, but are not limited to, fire safety, hillside management, or the adequacy of water and sewer services. This detached, new-construction, single-story accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A).*

(C2) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create not more than one accessory dwelling unit for each ten existing dwelling units, or fraction thereof, that are not accessory dwelling units within the existing space of a multifamily building, if all of the following apply:

(i) Each accessory dwelling unit shall be located within the existing space of an existing dwelling unit, or within another space in the multifamily building that is not used or necessary for the operation of the building or for ingress or egress in the event of an emergency.

(ii) Each unit complies with the minimum size and other state building standards for dwellings.

(iii) Each unit has access to the exterior or common area of the building separate from any other dwelling unit.

(iv) The local agency has not determined, based upon substantial evidence, that creation of one or more of the proposed units must be prohibited for health or safety reasons, that may include, but are not limited to, fire safety or the adequacy of water and sewer services. ~~Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, or garages, if each unit complies with state building standards for dwellings.~~

~~(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four foot rear yard and side setbacks.~~

(2) A local agency shall not require, as a condition for ministerial approval, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a lot with a single-family ~~lot~~home.

(5) The owner of the lot must agree that any A local agency shall require that a rental of the accessory dwelling unit ~~created pursuant to this subdivision~~ will be for a term longer than 30 days in order to receive a building permit under this subdivision.

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

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

(A) For an accessory dwelling unit described in *subparagraph (A) of paragraph (1) of subdivision (e)*, a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in *subparagraph (A) of paragraph (1) of subdivision (e)*, a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

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

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. ~~The department may review and comment on this submitted ordinance.~~ *After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section. If the department finds that the local agency's ordinance does not comply with this section, the department may notify the local agency and the Attorney General that the local agency is in violation of state law. The local agency shall consider findings made by the department and may change the ordinance to comply with this section or adopt-retain the ordinance without changes. If the The legislative body of the local agency elects to retain the ordinance without changes, it shall includeadopt findings in-its-resolution that explain the reason the legislative body believes the ordinance complies with this section despite the findings of the department.*

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section.

⊕ (j) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

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

(3) ~~For purposes of this section, “neighborhood”~~ “*Neighborhood*” has the same meaning as set forth in Section 65589.5.

(4) “*Nonconforming zoning condition*” means a physical improvement on a property that does not conform with current zoning standards.

~~(4)~~ (5) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

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

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

~~(5)~~ (6) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

~~(6)~~ (7) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

~~(7)~~ (k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 2.

Section 65852.22 of the Government Code is amended to read:

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

(C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within ~~120~~ 60-90 days of submission of ~~an~~ a complete application for a permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies

uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, that local agency shall apply the standards established in this section for the approval of a permit to construct a junior accessory dwelling unit in accordance with subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2.

~~(g)~~ (h) For purposes of this section, the following terms have the following meanings:

(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

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

SEC. 3.

Section 17921.2 is added to the Health and Safety Code, to read:

17921.2.

The department shall create small home building standards to apply to accessory dwelling units, which shall be drafted to achieve the most cost-effective construction standards possible, similar or more cost effective than standards in the 2007 edition of the California Building Standards Code. These small building standards shall be submitted to the California Building Standards Commission for consideration on or before January 1, 2020.

SEC. 4.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution 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 act, within the meaning of Section 17556 of the Government Code.