

Legalizing an Existing Unpermitted ADU or JADU

Public Information Handout – California Assembly Bill 2533 - Existing Unpermitted ADUs and JADUs

This handout is intended for homeowners seeking to legalize an existing unpermitted Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) that was constructed or converted before January 1, 2020.

Overview

California Assembly Bill 2533 provides a path for homeowners to legalize certain existing unpermitted ADUs and JADUs that were constructed or converted before January 1, 2020. This process is intended to help bring existing units into compliance in a safe and orderly way.

A permit is still required. The unit must be reviewed and inspected for health and safety conditions, and required corrections must be completed before the unit can receive final approval.

Who May Qualify?

A property may qualify for this process when all of the following generally apply:

- The ADU or JADU was constructed or converted before January 1, 2020.
- The unit is located on a property where an ADU or JADU may be allowed under state law.
- The unit can be inspected for health and safety conditions.
- Any required corrections can be completed through the permit and inspection process.

Examples may include a garage converted to a dwelling unit, part of a home converted to a separate living space, or a detached unit built on the property before January 1, 2020.

What AB2533 Provides

- The local agency generally may not deny a permit only because the ADU or JADU was built without permits or does not meet certain current ADU/JADU development standards.
- The review focuses on health and safety conditions that may make the unit substandard under state housing law.
- The property owner may obtain a confidential third-party code inspection from a properly licensed contractor before applying for a permit.
- The applicant may not be penalized simply for having an eligible unpermitted unit when applying to legalize it.
- The local agency must allow permits necessary to correct noncompliance with health and safety standards.
- Impact fees and connection or capacity charges are generally limited, except where utility infrastructure is required to address health and safety conditions and the charge is otherwise authorized by law.

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Impact Fees, Sewer Connection Fees, and Capacity Charges

This handout is intended to explain the general process. Fee determinations are made during review based on the facts of the project, applicable law, and the requirements of the agency or district providing service. **Fees depend on unit size, type, new construction status, and utility needs. Confirm all applicable fees with the County and sewer district before starting work.**

From CA Govt Code § 66311.5 (2025)

An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if it contains 750 square feet of interior livable space or less. If an ADU contains greater than 750 square feet of interior livable space, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit. A JADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if it contains 500 square feet of interior livable space or less. If a JADU contains greater than 500 square feet of interior livable space, impact fees shall be charged proportionately in relation to the square footage of the JADU to the square footage of the primary dwelling unit.

General ADU and JADU Fee Guidance

- Impact fees are separate from sewer connection and capacity charges.
- For Impact fees: no impact fees may be charged for an ADU with 750 square feet or less of interior livable space or for a JADU with 500 square feet or less of interior livable space.
- Proportional Charging: ADUs over 750 sq ft pay impact fees proportional to the primary house size.
- Sewer/Capacity Rule: ADUs/JADUs are generally not treated as a new-use connection fees unless built alongside a new primary home.
- A For an ADU that is not within the state-law category for certain converted or existing-space ADUs, the applicable district may require a new or separate utility connection and may charge a proportionate connection fee or capacity charge based on square footage, drainage fixture units, or a similar measure, provided the charge does not exceed the reasonable cost of providing the service.

Special Rule for Existing Unpermitted Units Constructed Before January 1, 2020

For an eligible previously unpermitted ADU or JADU constructed or converted before January 1, 2020, AB 2533 / Government Code Section 66311.7(e) generally prohibits impact fees, connection fees, and capacity charges, except where utility infrastructure is required to comply with Health and Safety Code Section 17920.3 and the fee is authorized under Government Code Section 66311.5(e).

Inspection Reminder

Work requiring inspection must remain visible and accessible until approved. Do not cover or conceal any work without explicit County authorization.

Important life-safety notice

The County cannot overlook conditions that create an immediate danger to life safety. If fire, structural, electrical, plumbing, mechanical, or other life-safety hazards are identified during inspection, the County may require those items to be corrected within a specified timeframe. Failure to correct immediate life-safety violations may result in code enforcement action, including applicable fees.

What AB 2533 Does Not Do

- **This bill does not** automatically legalize every unpermitted ADU or JADU.
- **This bill does not** eliminate the requirement to submit a permit application.
- **This bill does not** prevent the County from requiring corrections for health and safety conditions.
- **This bill does not** allow work to remain concealed when inspection is necessary.
- **This bill does not** prevent enforcement where immediate danger or unsafe conditions are present.

Process to Pursue Legalization of Existing Unpermitted ADU

1. **Gather information** - Collect records showing the unit existed before January 1, 2020.
2. **(Optional) Consider a private inspection** - Before applying, you may choose to hire a licensed contractor for a confidential third-party inspection.
3. **Submit the permit application** - Include the required forms, plans, proof of construction or conversion date, and other required documents.
4. **County review and inspection** - The County will review the application and may inspect the unit for health and safety conditions.
5. **Correct required items** - Required corrections must be completed under permit and inspected.
6. **Receive final approval** - After required corrections are approved, the unit may receive final approval through the permitting process.

Documents Typically Required with the Permit Application

- A Completed [Building Permit Application](https://www.kernpublicworks.com/home/showpublisheddocument/22777/639046855834070000)
- Documentation showing the unit was constructed or converted before January 1, 2020.
- **(Optional)** Substandard Housing Checklist: **[AB 2533 - Substandard Housing Checklist]**.
<https://www.kernpublicworks.com/home/showpublisheddocument/25577/639184955089325712>
- Construction documents, including dimensioned site and floor plans showing all buildings, parking areas, ceiling heights, window types and dimensions, and labels for each building and room use.
- Additional plans, calculations, or reports when needed to evaluate structural, fire, electrical, plumbing, mechanical, or other health and safety conditions.

Documents That May Help Verify Construction or Conversion Date

To help show that the unpermitted ADU or JADU was constructed or converted before January 1, 2020, provide one or more of the following when available:

- A signed and stamped letter from a licensed professional with supporting data.
- County Assessor records showing initial recognition of the unit.
- Escrow documents identifying the unit and its construction year.
- Previous official records from Building, Planning, or Code Enforcement regarding the unit.
- Real estate transfer disclosure forms referencing the unpermitted unit.
- Insurance documents, utility records, rental records, or contractor invoices.
- Notarized letters from previous owners or tenants.
- Dated photographs showing the approximate time of construction or conversion.
- Other reliable documents, which may be considered on a case-by-case basis.

Frequently Asked Questions

Will my whole property be inspected, or only the unpermitted unit?

The primary focus is the safety and habitability of the unpermitted ADU or JADU. The primary dwelling and surrounding property will only be inspected when necessary to evaluate the unpermitted unit or an immediate health and safety concern.

Will the unit need to comply with current Energy and Green Building Code requirements?

Full compliance with current energy and green building standards may not always be required for an existing unit. However, certain requirements may apply when corrections are reasonably feasible or when components are replaced. For example, if a window must be enlarged or replaced, the replacement window may need to meet current requirements.

Which code will be used to review my plans?

Plans may be reviewed using the current code cycle or, when appropriate and supported by documentation, the code that was in effect when the unit was constructed or converted. Health and safety conditions must still be addressed.

Will I need to open walls, ceilings, or floors for inspection?

Most likely, yes. Concealed structural, electrical, plumbing, mechanical, or other work performed without inspection may need to be exposed so the inspector can verify health and safety conditions. Work must remain visible and accessible until approved.

Do I need to hire a licensed professional to prepare plans?

It is recommended that you hire an experienced consultant to prepare plans. Plans may be prepared by a qualified person when allowed by law; however, structural calculations, unusual conditions, or complex work may require a California licensed design professional.

What drawings should be included in the plans?

Plans should include enough information to show the existing unit and any proposed corrections. The drawings listed below are common examples and may vary depending on the project.

Common Plan Sheets and Information

- Site plan, including property lines, all buildings, parking areas, and setback dimensions.
- Existing floor plan before the conversion, when the unit is attached or converted from existing space.
- Proposed or as-built floor plan with room labels and dimensions.
- Roof plan, building sections, and exterior elevations.
- Window and door schedules.
- Building details, such as eave, wall, floor, and roof details.
- Structural notes and specifications.
- Foundation plan, floor framing plan, ceiling or roof framing plan, and structural details.
- Structural calculations prepared by a licensed professional when required.
- Any additional information needed to evaluate health and safety conditions.