

# Legalizing an Unpermitted ADU: Guidelines for Homeowners & ADU Professionals

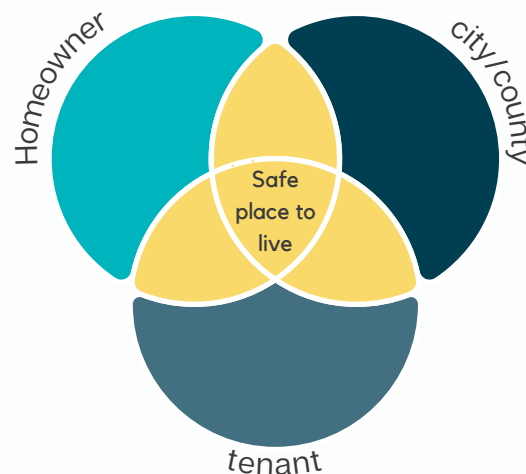
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Unpermitted or informal ADUs are widespread in neighborhoods throughout California, providing important housing and rental income for homeowners, but without health and safety oversight or tenant protection for residents living in them. Studies suggest that likely hundreds of thousands of unpermitted ADUs exist statewide.

While legalizing these units brings significant benefits to all involved, the process discourages homeowners from coming forward; typically, they must publicly commit to legalization before knowing the full costs.

Recognizing this dilemma for homeowners, some cities and counties are adopting programs that reduce the cost, simplify the process, and give homeowners anonymity until they know the true cost of legalization. Then homeowners can be fully informed, removing their uncertainty about the legalization process and costs.

Given the great variety of local process, no single path exists for permitting an informal ADU. This guide identifies information to consider, tasks to be completed, and problems that homeowners and contractors might encounter, beginning with an overview of the risks of not legalizing and misconceptions around legalizing an unpermitted ADU.



## Shared Goal: A Safe Place to Live

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**Casita Coalition created these guidelines to help homeowners, ADU professionals and jurisdictions, specifically:**

- **Homeowners** with an unpermitted ADU who are interested in legalizing it
- **Homeowners** who are considering building an unpermitted ADU rather than a permitted one
- **Jurisdictions** interested in developing or improving their own program. See **Appendix B** for a list of current city/county programs aimed at streamlining the process. Many have been trying for years to find an effective way to make the process easier and less costly for homeowners, while still protecting tenants.

Note: Casita guidelines are updated annually or when state law changes. Please email us if you have suggestions or program updates. Thank you!

# Introduction

Many homes have extra residential spaces built without the required local permits. Sometimes homeowners built the unit themselves or were informed of the unpermitted ADU when they bought the property. Other owners may not know if their secondary unit was built with permits. Still others believe their space was built with permits, but no one can find the permits. In all of these cases, the local government may consider these as “unpermitted,” meaning they were not legally established. The process of obtaining permitted status can be roughly divided into two phases, with Phase One (Pre-Application Steps) and Phase Two (Permit, Evaluation, and Renovation). The appendices provide further information for homeowners on process steps and local programs, as well as sample materials for jurisdictions developing their own amnesty or incentive programs.

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# Process Overview: Typical steps & timeline



**Pre-application**

## Phase One--Pre-application steps (8 weeks)

First steps include research into the local legalization process, the unit's permit history, and selection of a professional to work with on evaluating the possible scope of work needed. A drafter/architect/engineer will create as-built plans for the unit, including structural engineering and Title 24 calculations. It is possible that the structural engineering and Title 24 requirements will require the existing structure to be altered.



**Permit Review**

## Phase Two--Submit permit application, evaluate feedback (8+ weeks)

Plans will need to be submitted to the agency staff, just as for a newly built ADU, and fees paid. Expect a couple of rounds of comments and revisions before the agency approves the permit.



**Inspections & Construction**

## Inspections/Construction (1-12+ months)

Once the city approves the plans and the builder pulls the building permit, the first city inspection is scheduled. Typically, the inspector will ask that certain parts of the property be opened up so that they can be examined (e.g., sections of drywall, foundation footings, sewer lines, etc.). These areas will usually be opened up during the demolition phase. During the next onsite visit, the inspector will note the things that need to be corrected in order to meet code requirements. The builder will then make the corrections noted by the inspector, as well as any changes incorporated into the plans to meet code requirements.



**Final Permitting**

## Final Inspection and Occupancy Permit

Upon final inspection, the city will approve the project for final permitting and a certificate of occupancy (or its equivalent) will be issued.

See Appendix B for details on local process variations.

# Notes on Cost

## Architectural & structural engineering plans

\$5,000 - \$30,000

## Permit application & other fees

\$5,000 - \$20,000

## Construction--labor & materials

\$10,000 - \$170,000  
see Appendix C

The total cost to bring your unit into compliance depends on many factors, including the age and condition of the structure, and could come in anywhere from \$20,000 - \$200,000 or more. Until evaluations & inspections are completed, there are too many unknowns to estimate firm costs. In some cases, it is less expensive to tear down a poorly built unpermitted ADU and start over. See Appendix C.

### Common Corrections

- Foundation
- Wall Framing and Roof Structure
- Electrical and plumbing
- Title 24
- Windows
- Utility Connections and Meters
- Water Heater
- Firewall

### Major Cost Drivers

- Construction scope
- Architect/draftsperson fees
- Permit fees
- Utility connection fees or upgrades

### Cost range for legalization--sample scenarios

Unit built to code in last 5 years but not permitted

Plans, permits  
smoke alarms

\$20,000

Attached unit built before 2018, Title 24 energy code upgrades needed

Plus windows, shear walls, insulation

\$70,000

Detached garage built in 1960's, converted in 1990's

Plus slab repair, roof beams, utility connections

\$150,000

Detached structure poorly built DIY and deteriorating

Plus new plumbing, new wiring, foundation work

\$200K

Might make more sense to demolish & build new



# Why Should a Homeowner Legalize an Unpermitted ADU?

Some homeowners don't think it's worth the time and money to legalize an unpermitted ADU. However, large risks come with owning an unpermitted ADU. If something goes wrong, it could be costly. Please consider these costs and benefits.

## Risks of Not Legalizing

**RISK:** The local government may find out about the unpermitted ADU. Because renting an unpermitted ADU is illegal, the homeowner may be forced to have the unit vacated, pay the tenant's relocation costs, and/or reimburse them some portion of their rent. Retroactive permitting is expensive, and many jurisdictions will charge double the normal permitting fees.

## Risk of Local Code Enforcement

**BENEFIT:** Legalizing the unit will give the homeowner increased peace of mind. While it still makes sense to ask about their policy on double fees, many communities will waive the doubled fees if the unpermitted unit is voluntarily reported to them by the homeowner.

## Benefits of Obtaining Permit

## Higher Property Value

**RISK:** Buyers and lenders may be unsure how to evaluate a property with an unpermitted ADU, which may diminish the appraised value.

**BENEFIT:** With proof of a permitted ADU, the property will likely be appraised at its full value. Realtors will no longer have to deal with questions about the legality of the secondary unit, and prospective buyers will know exactly what they are buying.

## Assurance of Insurance Coverage

**RISK:** If an unpermitted ADU is damaged due to fire, flood, or earthquake, insurance companies may deny a claim for repair and replacement.

**BENEFIT:** With a permitted ADU, homeowners can be open and honest with their insurance agent, ensure that the ADU is insured, and get the best insurance price.

## Better Safety & Emergency Response

**RISK:** Unpermitted ADUs rarely meet the safety requirements of the current building code. An unpermitted ADU with no legal address may also be difficult for local fire and emergency services to find during an emergency.

**BENEFIT:** Permitted ADUs built to the current building and housing codes will meet the highest standards for fire protection and rental unit safety, no matter when they were built. Legal ADUs with a separate address will be much easier to find during an emergency.

## Risk of Tenant Action

**RISK:** The tenant may take legal action against the homeowner for renting an unsafe, unpermitted ADU. In cities with rent and eviction protections, an unpermitted ADU may strengthen the tenant's hand in a dispute with a landlord or entitle a tenant to relocation benefits if the unit needs major repair.

**BENEFIT:** With a permitted ADU, homeowners don't have to worry about being sued for renting an unpermitted ADU. Also, the tenants will have easier access to local financial assistance if they need help with the rent. This in turn makes it more likely the homeowner gets paid if the tenant falls behind on the rent.

# Misconceptions about Unpermitted ADUs

Homeowners sometimes fear taking action on their unpermitted units. The following table of fears and misconceptions clarifies the facts regarding the risks of an unpermitted ADU.



## Misconceptions

## Facts

### Myth:

I should build an unpermitted ADU now because I can easily and inexpensively legalize it later.

### The opposite is true. An unpermitted ADU:

- Is more prone to construction errors that the homeowner will have to fix later. Relying on the advice of a general contractor isn't a good substitute for a city permit review.
- Is subject to tougher building codes in the future. The building code standards used to legalize an ADU are usually those in place at the time of legalization, not the time of original construction. \*Because requirements tend to get tougher over time, you may have to meet standards that didn't exist when you built the unit.
- May be subject to double fees if a Notice of Violation is issued by Code Enforcement due to a complaint.

### Myth:

If I ask my planning department about legalizing an unpermitted ADU, they will open a code enforcement case against me and impose fines.

### Not so!

- You may talk to a city planner at no cost about your unpermitted ADU. If you don't mention the unit's address, they have no legal duty to open a code enforcement case. In general, building departments want to help homeowners legalize their units.
- The bigger risk is that a neighbor will file a complaint about an unpermitted ADU. Then, the tone and tenor of the conversation changes, and the building department will likely take a harder line.

### Myth:

I'll be forced to demolish the space.

### Not Likely

- This generally only happens if the space is so dangerous that no one should live there.
- The key is to find out what the current code requires, and then gently work with the building department to alter your unit to conform to the current code\*

\*The Building Code allows local building officials to follow the Building Code in place at the time the unit was built, but it does not require them to. It is a local decision and many communities prefer to use the current Building Code standards. Health and Safety Code (HSC) Section 17958.12.

**Misconception**

**Facts**

**Myth:**

Legalizing an ADU will lead to a big jump in my property taxes.

**Not Likely:**

- Legalizing an ADU will not cause a reassessment of your entire property.
- If legalizing an ADU increases your property's value, your property tax bill will only increase based on the newly added value.

**Myth:**

I can avoid rent control and tenant eviction protections by building the ADU without permits.

**This is risky.** (See the "Tenant Legal Action" section on page 5.)

- If a tenant or jurisdiction discovers that the unit is unpermitted, they can make a claim for a rent refund. Some cities will automatically assume that tenants in unpermitted units are eligible for rent control and tenant protections, even if the unit would be exempt had it been built legally!

**Myth:**

Given the lack of organization in local government offices, it's highly unlikely that I will be "caught" if I build my ADU without permits.

**The likelihood is increasing.**

- Jurisdictions are eyeing unpermitted units to increase housing safety and preserve affordable housing.\* Also, the rise in people working from home could increase the chance one of your neighbors will complain to your local government.

**Myth:**

The dwelling unit is finished nicely; a legalization won't cost much money.

**A legalization can be quite expensive.**

- Quite often, serious problems lurk behind nicely finished walls. When the permit was skipped, so was the inspector's role of checking every system prior to it being covered up behind walls or under floors.
- Especially when dealing with the conversion of a garage, basement, or accessory structure, it can be less expensive to tear everything out and start over. Working with old construction adds considerable uncertainty, and it's harder to get to a firm and reliable cost estimate. Water issues are often hard to solve in retrofit situations.

\*See Appendix B for links to numerous local programs to facilitate legalization for unpermitted dwelling units.

The process to legalize an unpermitted ADU generally requires the same steps and decisions as required for new construction. While state laws exempting conversions of existing space apply everywhere, the details of how building codes, fees, and process differ widely from place to place, so what follows is an outline of the typical process in two main phases, with notes about local differences.

## Pre-Application Steps & First Decision Point



**STEP 1:**  
Learn about the  
local process

**STEP 2:**  
Determine  
feasibility

**STEP 3:**  
Evaluate the  
project  
thoroughly

**Decision 1:**  
Apply for  
permit?

## Step 1: Learn About the Local Process

Your city or county's ADU website is the first place to start learning about the local process for legalizing unpermitted ADUs. New state laws require local governments to encourage ADU production, so most have developed homeowner-facing ADU webpages, checklists and sometimes special programs to streamline the process, reduce costs and provide technical assistance. If there's an amnesty program, make note of the contact person or dedicated email. If not, look for an ADU Ally or staff contact. Some cities have weekly office hours for ADU questions, such as ADU Tuesdays at the City of San Jose. This is a great way to get started with an informal conversation about what you would like to do. You won't need to give your name or address for this meeting.



### Does the unit have an existing permit?

It's not always clear if a unit has been permitted. Information can often be gathered from the local jurisdiction, previous owners, and long-time neighbors. The City of Los Angeles Dept of Building & Safety, for example, has a searchable public database with all Certificates of Occupancy since 1940. Appendix A suggests a variety of ways you can research the permit history of the property.



### Can the unit be legalized?

First, the homeowner needs to confirm that the unit can be converted to a legal ADU, both practically and financially. To begin, an ADU must have the following features at a minimum to be considered a safe, potentially legal unit:

- Meets basic health and safety standards
- Minimum 7' ceiling height
- A separate entrance to the outside
- Kitchen facilities (an efficiency kitchen is acceptable)
- Sleeping space
- Bathroom facilities (except for JADUs, which may share these with the main dwelling)

California Government Code Section 65852.2 states that existing structures, including unpermitted units, can be converted to ADUs if they can meet building and safety standards. These may include health and safety codes, setbacks from property lines, minimum distances from power lines, and easements. If it's not possible for the unit to meet basic safety and building code standards, practically or financially, then the homeowner may not be able to permit it retroactively as an ADU. Removing it from use as living space may be required in these cases.

If your unpermitted ADU was built before 2018, Health & Safety Code Section 17958.12 may apply. If so, you'll only have to meet the building codes that were in place when it was built, or when it was converted to living space. (May not apply in coastal zones; compliance with Health & Safety and Housing Codes still required.) See Appendix D for more on state laws related to legalizing unpermitted ADUs.

### Four Types of Local Rules Apply

#### 1. Zoning (land use rules)

Recent state law has removed most zoning obstacles to the construction of ADUs.

- By right, garages or other accessory structures may be converted to an ADU provided they remain in their original location and the dimensions don't change
- By right, almost all single-family properties may add an attached or detached ADU with a size up to 800 sq. ft, height of 16 ft, side and rear setbacks of 4 ft, plus one Junior ADU
- No public hearings or appeal processes required
- After determining your ADU meets local and state requirements, your planning department will issue a Zoning Certificate
- Rules vary in the Coastal Zone, fire severity zones and other local overlays--check with your city or county

**Important:** This is a very high level summary--and the details matter. A great resource to learn more is the state of California's [HCD ADU Handbook](#).

#### 2. Building Code (updated every 3 yrs)

It's quite likely that extensive work will be necessary to upgrade an older, unpermitted ADU to meet the current building code. However, local building officials may make it easier on homeowners:

- Officials may apply the building code in effect at the time of construction.
- They also may waive requirements if, in their judgment, a proposed alternative meets the underlying safety objectives.
- Enforcement of Building Code violations may be delayed for five years at homeowner's request, as long as the unit meets the Housing Code (i.e., the Health and Safety Code). See Appendix E.

#### 3. Housing Code (Health and Safety Code)

Housing Code applies to all rental units, whenever they were built. Corrections to meet the housing code are often less expensive than meeting the current building code. Some communities (especially those with amnesty programs) have created a middle ground -- allowing rental of an unpermitted ADU if it meets just the housing code. See Appendix D.

#### 4. Coastal Zone Management Act

ADUs in the coastal zone face additional legalization process steps, but no public hearing can be required. The Act protects public access, and prioritizes preservation of sensitive coastal habitat.

### a. Find a Contractor / ADU Professional to Give Advice

If no permit history can be found, but the unit seems to meet required standards, then a thorough project evaluation is the next step. It's a good idea to consult with a general contractor or ADU professional who has experience legalizing unpermitted ADUs. By having a licensed general contractor, private building inspector, or architect walk through the unpermitted ADU, the homeowner can get a sense of what would be necessary to legalize the unit and to estimate the cost. Your jurisdiction may offer checklists or screening forms for this initial evaluation by your hired professional. Note: **It is not possible at this point in the process to know the exact requirements or cost for legalization.** These costs will not be more fully known until connection fees are calculated, and permit review feedback comes in from the city.

### b. Confer with the City or County to Determine Specific Requirements (when Possible)

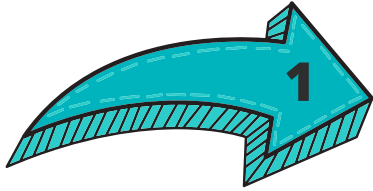
Set up a meeting with your local jurisdiction to discuss legalizing your unit. Some jurisdictions have regular ADU office hours, in person or virtual. At the first meeting, do not mention the unit's address to avoid any possible code enforcement. If you decide later to proceed with the legalization process, then you can reveal the address.

### c. Conduct a Detailed Project Evaluation

In most jurisdictions, homeowners must decide whether to apply for a permit to legalize their unit before it's clear what they'll be asked to change or what fees may apply. This uncertainty of the cost of the required work makes the first major decision very challenging. Working with an experienced contractor can help, but understand that once walls are opened up and the local jurisdiction inspection process begins, there are significant, hard-to-predict unknowns.

If your local jurisdiction offers pre-application reviews and site evaluations, you'll have much more information to work with before you decide whether to apply for a permit and proceed with legalization. Be sure to ask about fees from local agencies, separate water districts and utilities. Note that ADUs/JADUs smaller than 750 sf can't be charged traffic, school, park or other 'mitigation' fees. They can be charged for updated or legal connections to water/sewer/electric.





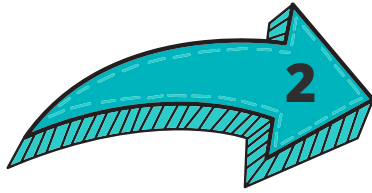
### **Path #1: Assessment Guided by the Local Government**

Some local amnesty programs require the homeowner to work with a qualified inspector to identify necessary improvements. If the jurisdiction has a screening tool, checklist, or guidance document on standards they require, then this path is extremely helpful to homeowners. In these cases, the local officials (or some neutral third party) will inspect the property, create a list of corrections, and advise the homeowner and their technical team on what the building permit must address. Some communities will also consider alternatives that provide comparable safety but may be much less expensive than meeting the code requirement. The homeowner typically pays for this analysis.

At least five jurisdictions--Milpitas, San Jose, San Mateo County, San Francisco, and Santa Cruz--provide up-front analysis and staff assistance to determine what corrections need to be made before the owner must decide whether to go forward with the legalization process.,i.e., before the homeowner reaches Decision Point #1.

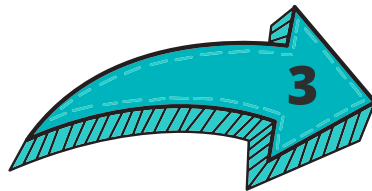
This new step gives the homeowner much more certainty about the physical changes necessary to meet the building code and the costs involved. The details and degree of anonymity differ among these communities but adding this pre-application review step gives homeowners critical information necessary to make an informed decision about whether to pursue legalization of their unit.

At least two jurisdictions--Santa Cruz and San Mateo County--recognize that it is not financially feasible to bring all units up to the current building code. Rather than demolish these units, they have additional programs that do not require that the units meet the building code but rather the Housing Code (i.e., Health and Safety Code). These jurisdictions then ensure they will not pursue code enforcement actions on these units. See Appendix D.



### Path #2: Assessment with No Local Government Guidance

Many local governments provide no guidance in determining what changes and fees it will require to legalize an existing dwelling unit. In these cases, the homeowner must hire experienced professionals to do this assessment. Depending on what work was done without permits, the consultants may have to open some walls to inspect plumbing and wiring to determine if it was done correctly. The assessment team may include one or more professionals: home inspector, building code specialists, ADU specialist, and/or an experienced contractor.



### Path #2: Code Enforcement Notice of Violation

If the homeowner has already received a Notice of Violation, then it is likely a code enforcement official has already inspected the site and Code Enforcement has issued a generic list of code compliance requirements. The list may include both Housing Code and Building Code violations. Depending on the jurisdiction and the type of inspection, owners may still need to pursue either Path 1 or 2 above to better understand what changes are needed.



**STEP 1:**  
Learn about the local process

**STEP 2:**  
Determine feasibility with ADU professional

**STEP 3:**  
Evaluate the project thoroughly



After the initial project evaluation by professionals, the homeowner may have some idea of the work that needs to be done and a very rough ballpark cost estimate. These tentative numbers can change dramatically once the city or county inspector evaluates the unit, which typically occurs after the building permit is approved.

This is one of the biggest challenges of the legalization process. Once the homeowner opts to apply for a permit, they are committed to completing the legalization or, failing completion, to cease using it as a living space. Even if the unit can't be renovated and permitted as an ADU, either practically or financially, it's unlikely that it would have to be demolished. More common is that it would be shut down as living space and returned to accessory uses, such as parking or storage. If it's found to be unsafe for any use, then removing the structure is the next step.

**Good news!**  
Some jurisdictions, such as the City of San Jose, offer waivers of some fees for ADUs in their amnesty programs, saving homeowners \$7,000 - \$15,000. Save more with an ADU under 750 sf: no impact fees

The following ADU Amnesty Waivers	ADU Size	
	Under 750 sf	750 sf & Over
Financial Hardship Exemption is required to qualify		
Penalties - illegal construction penalty is waived	\$ 1,435	\$ 2,088
approximately:	200	200
	5,900	5,900
Savings Subtotal	\$ 7,535	\$ 8,188
d) *Park Impact Fee - \$1,700 to \$8,900 depending on location of the property (no fee for units under 750 sf).	\$1,700 to \$8,900 (units 750 sf and greater)	
e) School Fee - State law waives this fee for all units under 750 sf. The amount depends on the school district in which the property is located.	amount depends on school district	not available
For units 750 sf and greater, find Park and School fee information at <a href="http://www.sanjoseca.gov/BuildingFees">www.sanjoseca.gov/BuildingFees</a> .		

By submitting the permit application, plans and other required documents, you've entered the second phase of legalization.

Some jurisdictions will start with a pre-inspection. After the pre-inspection, you'll have a list of issues to fix for compliance--now you're getting closer to a true estimate of costs, which you'll need for Decision #2: whether to proceed with the project.

### Building Permit Steps & Second Decision Point



## Step 1: Submit permit application

### Public Agency Process: Apply for a Building Permit

If the homeowner decides to proceed with applying for a permit, their ADU professional will then complete the application forms, prepare the plans, and then submit any other required documents, either in hard copies or online.

This application will include plans for the final version of the ADU, which are typically drafted by an architect or interior designer. The local jurisdiction may require a site survey, which can be used to identify the specific location of property lines, power lines, and other features on the property. Some cities will require a survey to make sure the unpermitted unit doesn't cross property lines.

Building Department staff are accustomed to reviewing permit applications BEFORE anything is built. They have less experience reviewing an application AFTER a unit is built. They face uncertainty because their building official may not require upgrades that meet all aspects of the current code--it's a judgment call based on the building official's decision of what changes are necessary for Health and Safety.

After the homeowner submits the application, the local jurisdiction will respond:

- **First staff comments:** After receiving the application, the staff provides comments, identifying changes needed. At this point, an inspector may visit the property.
- **First revisions:** The homeowner's team will revise the building permit application and resubmit it for review.
- **Second staff comments:** Plan Check staff review the application and make additional comments, which may require additional changes.
- **Second revisions:** Again, the homeowner's team will revise the application and resubmit it for review.
- **Final staff approval:** The separate agencies responsible for utilities and public works, such as water and sewer, will also review the permit and may have required fees or changes.

This process could require 3 to 5 rounds of comments before the plan check staff are satisfied and issue the building permit. Each round of review may add additional costs for plan check staff time.

In this step the homeowner finally learns in more detail what work on the unit will be needed to satisfy the local process. With the help of an ADU professional, a cost estimate can be developed from the inspection results that will allow an informed decision.

City or county staff will visit the site, inspect the work already completed, and determine what additional work is needed to comply with the building code. Most likely they will use the current building code as their standard, but they may choose to apply a previous building code or one in place at the time of construction. They may also be lenient and only require changes that are necessary to ensure health and safety for the tenants.



Once they determine the changes that are necessary, the contractor will be able to give the homeowner a second and more precise estimate of the cost to complete the work.

- If the local jurisdiction has provided feedback from an inspection of the property, and has completed the permit review, the homeowner will have a good idea about the work necessary to complete the legalization.
- If the local jurisdiction has not visited the property, the homeowner can schedule an inspector visit and ask that their contractor be present. The inspector may ask for walls to be opened so that the plumbing, electricity and HVAC can be examined. The homeowner will then receive more specific guidance on the work required for legalization.



**STEP 1:**  
Submit permit application

**STEP 2:**  
Evaluate feedback and determine costs

**Decision 2:**  
**Proceed with renovation?**

**STEP 3:**  
Renovate unit and receive certificate of occupancy

With the feedback from the local jurisdiction, the homeowner's contractor can provide an updated cost and time estimate to complete the work. Options available to the homeowner at this point vary by jurisdiction:

- Proceed with the work to receive a building permit, pay fees and connection charges.
- If possible, negotiate for modifications in the list of changes necessary to meet building code, to reduce the cost. Not all jurisdictions will be willing to negotiate.
- Commit to removing the unit from the housing market. This might be an option if the space was legally built but illegally converted into a separate dwelling unit (like an unpermitted unit carved out of a main house.)
- Demolish or shut down the unit. If the construction was illegal and unsafe and cannot be remediated, then the unit may not be allowed for use as living area and may have to be demolished.

If the cost of legalization is NOT within the homeowner's budget, there are some options:

- The homeowner may request to delay code enforcement for five years, as long as the violations are not health and safety issues. This gives the homeowner five years to fix the issues. See Appendix D.
- The homeowner may request a meeting with the local jurisdiction to find out if they may continue to rent the building if the Housing Code is met, but not the Building Code.



## Completing Construction

If a tenant is still in place when this step is reached, this is when they will most likely have to find accommodations elsewhere, as workers and inspectors will be on site regularly and significant disruption, dust and noise can be expected for an extended time period.

The architect or contractor supervising the project will be responsible for selecting tradespeople to do the renovation and will oversee the details of their work. Inspectors will visit the site during construction to ensure it meets the approved permit. An inspector may require changes in the field that also increase the cost, even though the building permit is already approved.

At certain points during this process, the jurisdiction (on behalf of the utility companies) must approve a connection for electricity, water, and sewer. The homeowner will have to pay any associated charges for these connections. In some cases, utilities require back payment of services used if they weren't paid for them.

Once all requirements have been met, the inspectors will sign off on the permit as completed and/or issue a certificate of occupancy for the ADU. The homeowner should keep all the paperwork as proof of legalization.

## Return the Legal ADU to Rental Use

Once your unpermitted unit has been legalized, you are ready to begin renting the unit out. While legal landlords no longer have to worry about being sued for renting an unpermitted unit, they must continue to follow applicable rules for California landlords. In some cases, there may be additional local requirements for landlords to follow, which govern such things as rent increases, eviction procedures, and other pieces of the landlord-tenant relationship. To learn more, you may wish to contact your local rental property owners' association for more information.



If you want help in finding a good tenant, free homesharing services like HomeMatch can help connect you with someone who needs an affordable apartment. Legal ADUs may also qualify as housing for tenants with a government rental voucher. Renting to a voucher-holder can be good for a landlord as the government pays part of the rent each month, the landlord knows they will get partial payment even if the tenant experiences a crisis like a job loss. You can find more details about renting to tenants with a voucher by contacting your local housing authority, which can be looked up online.

We hope these guidelines have offered a useful look at the general steps involved in this process. Our goal was to make homeowners aware of the risks and benefits of legalizing an unpermitted ADU and help jurisdictions develop programs to incentivize homeowners and make it easier to legalize their unpermitted ADUs.

# Appendix A: Permit research

## How to Find out if an ADU was Permitted

Local planning and building agencies maintain historic records of building and zoning permits. Typically, the agencies have PDFs or microfilm copies of older permits, plus computer printouts and PDF copies of permits since about 1990. Some of these permits may be available on-line, but often the homeowner needs to request an electronic copy. It's wise to ask for all zoning permits, building permits, and assessor records for the address of the main dwelling.

- **Zoning Permits** indicate that building the unit was consistent with zoning requirements at the time of construction.
- **Building Permits** indicate that the unit met the building code at the time. Records often indicate the date issued and inspection dates. Numerous permits--electrical, structural, plumbing, etc.--are all part of the building permit.
- **Assessment Records** are kept for tax purposes, so they are not officially part of the land use records. However, they often provide useful information (the date of construction, size, inspections, number of building permits issued, etc) that help guide the homeowner and the city in understanding the history of the unit.

A given unit may have a mix of several types of construction and have a complex and murky history.

In some cases where records can't be found, the authority having jurisdiction (AHJ) may be persuaded by physical evidence, such as the apparent age of materials or finishes (e.g. knob & tube electrical, dates on electrical equipment or wire, etc).

The homeowner should not assume that just because property tax was paid, or a permit was received for some work, that this is sufficient to make the unit legal. Often, everything must be in order before the unit is considered legal.

## Definitions

### Detached ADUs

Detached ADUs are separate structures on a single-family parcel that have all facilities for independent living. They may have been converted from a detached garage or other structure, or they may have been built specifically as a separate living space.



### Attached ADUs

Attached ADUs are independent living spaces that are secondary or accessory to the primary single-family dwelling but are attached to it. ADUs include permanent provisions for sleeping, eating, cooking, and sanitation.



### JADUs

JADU, or Junior ADU, is a living space contained entirely within an existing single-family residence. JADUs are limited to a maximum of 500 square feet. They can have their own bath or share with the main residence, but must have their own entrance and own cooking facilities. JADUs are often converted from bedrooms, attics, basements or attached garages.

## How to Find out if an ADU was Permitted, cont'd

Confirming whether an existing unit was created with permits can be challenging--more like sleuthing than reading records, especially for permits issued before 1990. Some of the problems often encountered:

- The work was described quite differently than it would be today. For example, a 1989 building permit might have described the actual work -- reinforcing the rafters; adding electrical outlets -- without mentioning that the garage was being converted to a new unit.
- The work description is incomplete.
- The permits lack attachments of any site plans or drawings approved as part of the permit.
- Zoning permits were thrown away for a period of years and the agency kept no permit logs at that time.
- The records are unclear, incomplete copies of old microfilm records.

Sometimes a homeowner can expand the official record by submitting old receipts in family records that reference the work or affidavits by people who used to live in the house or the neighborhood and remember what happened. Often a jurisdiction concludes that finding no permits means the unit was built without permits, despite possible gaps in the official land use records. Other jurisdictions will conclude that a unit was built with permits if incomplete records support that conclusion.

## Sample online search portal for Certificates of Occupancy--City of Los Angeles

The screenshot displays the City of Los Angeles Department of Building and Safety (DBS) online search portal. The main search results for '127 S VERMONT AVE' are as follows:

Category	Count
Parcel Profile Report:	1
Permit Information found:	1
Code Enforcement Information:	0
Certificate of Occupancy Information:	1

The detailed view for '127 S VERMONT AVE 30004' shows the following information:

- Certificate Of Occupancy Details:**
  - Certificate Number: 86583
  - Current Status: CoFO Issued - 08/25/2010
  - Associated Permits: 10016-10000-11247
- Certificate Of Occupancy Clearances: OK for CoFO**

Date	Description	Status	Phone	Comment
07/13/2010	Building Verification	OK for CoFO	(213) 482-0374	

**Certificate Of Occupancy Conditions**

Agency	Permit	Description	Status	Comment
Community Redevelopment Agency	10016-10000-11247	Project located in CRA area	Approved with Conditions	Project located in CRA Area: Wilshire Center / Koreatown Redevelopment Project
Bureau of Engineering	10016-10000-11247	Eng Process Fee Ord 176,300	Approved	The fee authorized by Ord. 176,300 for PW/Eng to process clearances for LADBS issued permits.

# Appendix B

## Standard Legalization Procedures and ADU Amnesty Programs

The high volume of unpermitted ADUs throughout California sheds light on the reality that when sufficient housing is lacking, or when legal pathways for ADU permits grow too complicated and cost-burdened, residents will do what they have to do to take care of their families. ADUs meet a crucial need for lower- and middle-income homeowners to build wealth and to live multi-generationally for cultural and/or financial needs. Historically restrictive ADU ordinances also left a legacy of a large number of unpermitted units. Programs and policies that encourage and incentivize legalization of unpermitted ADUs without fines and without loss of safe and habitable housing are serving community needs in a more equitable way. Trends in cities where ADU permit approvals have been made easier, faster and less costly show the percentage of legal ADUs vs. unpermitted units starts to improve quickly.

Communities across the state have created amnesty programs or made other modifications to encourage homeowners to come forward with unpermitted ADUs. This Appendix summarizes the programs the Casita Coalition is aware of. The list is likely incomplete, so homeowners should check with their city or county for up-to-date opportunities. We include programs that are not currently accepting applications as they may provide useful models for jurisdictions in the process of developing their own.

### A. Standard Legalization Procedures

Most of the jurisdictions reviewed follow the standard procedures, which are the same as those required for new construction.

#### Step 1: Prepare As-Built Plans (8 weeks)

A drafter/architect/engineer will create as-built plans for the unit, including structural engineering and Title 24 calculations. Structural engineering and Title 24 may require the existing structure to be altered.

#### Step 2: Submit plans for jurisdiction review and pay fees.(8+ weeks)

Plans will need to be submitted to the agency staff, just as for a newly-built ADU, and fees paid. Expect a couple of rounds or comments and revisions before the agency approves the permit.

#### Step 3: Inspections/Construction (1-12+ months)

Once the city approves the plans and the builder pulls the building permit, the first city inspection is scheduled. Typically, examination by inspectors requires opening of walls or excavation (sections of drywall, foundation footings, sewer lines, etc, ) often during demolition. During the next site visit, the inspector notes items to be corrected to meet code requirements. The builder then makes the corrections noted, as well as any changes incorporated into the plans to meet code requirements.

#### Step 4: Permitting

Upon final inspection, the city will approve the project for final permitting and a certificate of occupancy (or its equivalent) will be issued.

## Standard Legalization Procedures and ADU Amnesty Programs, cont'd

### B. Legalization and Amnesty Programs for Unpermitted ADUs

New Amnesty Programs are being created throughout the state, so our list may not be inclusive. We have highlighted five programs -- Milpitas, San Jose, San Mateo County, San Francisco, and Santa Cruz -- that insert a preapplication review step in the process prior to the homeowners' first decision point. They provide up-front analysis and staff assistance to determine what corrections need to be made before the owner must decide whether to go forward with the legalization process, i.e., before submitting their building permit applications. Santa Cruz and San Mateo County have newer programs that do not require that the units meet the building code but rather the Housing Code (i.e., Health and Safety Code). These counties then ensure they will not pursue code enforcement actions on these units. The other programs summarized below make minor changes in the standard procedures outlined above. Check in directly for status.

#### 1. Programs with pre-application review

##### **City of San Francisco -- Upfront Assessment and Support**

San Francisco provides a Screening Form and Checklist to guide the applicant and the city in determining required improvements to legalize a unit. A licensed professional completes the screening form and may consult with City staff to determine requirements and cost. This assessment indicates the work to be completed to legalize the unit and the expected cost. Once the City receives the Screening Form, the owner has access to free consultation with City staff. After submitting the Screening Form, unless an owner has already received a Notice of Violation, he/she may decide not to pursue legalization, but does so at their own risk. The Screening Form provides the basis for the building permit application. Once the building permit application has been submitted, the review and approval process follows that for newly built dwelling units. Some fee waivers are available. For ADUs built before 2013. One allowed per lot. According to staff, legalized units are not considered ADUs and therefore homeowners can add an ADU or JADU as well. More recently built unpermitted units can use the standard ADU permit process.

<https://sfdbi.org/UnitLegalization>

<https://sfdbi.org/sites/default/files/FAQ%20Legalization%20of%20In-laws.pdf>

##### **City of San Jose -- Upfront assessment and support--not currently taking new applicants**

San Jose offers an Amnesty program that provides up front determination of the changes that need to be made, and they become the basis for the building permit application. Prior to submitting plans for approval, this program requires self-assessment, an eligibility conversation (and discussion of possibly using the state's 5-year deferred enforcement period), and an initial inspection (conducted by the City's third-party inspector) using a City-generated checklist. The inspector issues a report of required work. Homeowners should correct any basic health and safety problems immediately and must then continue with the standard process to legalize the unit. A 5-year delay is available. Fee waivers and tax exemptions are available for those who qualify. Check in with the city to see if application window is open.

<https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/adu-amnesty-program>

<https://www.sanjoseca.gov/home/showpublisheddocument/50497/637153712563900000>

## Standard Legalization Procedures and ADU Amnesty Programs, cont'd

### **San Mateo County -- Upfront assessment and Safety Certifications--pilot program on hold**

In this process, homeowners first complete a self-assessment checklist, after which they are eligible for free pre-application consultation and a low-cost health and safety inspection. The inspection results in a report on the required scope of work, estimated costs, and feasibility. Up to this point, the homeowner may withdraw without consequences. At this point, the standard process is followed, focused on just the items that need correction. The program ensures that these units meet the housing health and safety standards, not necessarily the building code. They receive a certification of safety and County assurance that they will not pursue code enforcement against the unit.

<https://planning.smcgov.org/second-unit-amnesty-process>

[https://planning.smcgov.org/sites/planning.smcgov.org/files/Second-Unit-Amnesty-Program-Tri-Fold-Brochure-Update-5\\_21.pdf](https://planning.smcgov.org/sites/planning.smcgov.org/files/Second-Unit-Amnesty-Program-Tri-Fold-Brochure-Update-5_21.pdf)

### **Santa Cruz County -- Upfront assessment and Safety Certification**

Santa Cruz County adopted an amnesty program in 2014 but by 2018 had approved just 29 permits. In 2018 they adopted a new program, called the Safe Structures Program. Eligible units include those built before 2014 which can't qualify for complete legalization under normal rules. The County inspects the units and if they meet the health and safety code, certifies them as safe for habitation. The County will no longer pursue code violations against these units, but will continue to inspect them to ensure that it continues to meet the health and safety code. The owner pays \$500 for the inspection and a \$300 permit fee. Unless the inspection reveals an "imminent hazard to health and safety", the owner may back out of the program without consequences. The County provides specialists to help property owners through the Safe Structures Program, as well as those who would like to fully legalize a unit.

[https://www.sccoplanning.com/PlanningHome/BuildingSafety/SafeStructuresProgram\(formerlyLIA\).aspx](https://www.sccoplanning.com/PlanningHome/BuildingSafety/SafeStructuresProgram(formerlyLIA).aspx)

### **City of Milpitas -- Upfront assessment and support**

The City of Milpitas Safe ADU Legalization Program provides a self-assessment checklist, appointment with Program Coordinator and low cost pre-inspection with detailed guidance.. Properties with active building permits or code violations aren't eligible. First two steps do not require property address. Standard 5-yr delay offered for non-health and safety code violations.

<https://www.ci.milpitas.ca.gov/milpitas-departments-building-and-safety-department-safe-adu-legalization-program/>

## **2. Programs with minor adjustments to help homeowners**

### **City of Oakland -- Standard Process with TA and deferred loans for low-income owners**

Oakland's Accessory Dwelling Unit Loan Program provides financing and technical assistance to owner-occupied low-income households to convert an existing unpermitted secondary unit within or adjacent to the primary single-family residence into a legal ADU or JADU. The financing is in the form of a deferred loan for design and construction costs, up to \$100,000, with no payments due for 30 yrs or until ownership or owner-occupancy changes. Project Manager, approved contractor list, payment support. <https://www.oaklandca.gov/resources/accessory-dwelling-unit-loan-program#program-resources-for-homeowners>



## Standard Legalization Procedures and ADU Amnesty Programs, cont'd

### **Contra Costa County -- Standard Process, but flexible on building code requirements**

Pre-application meeting with Planning and Building staff. Especially for older buildings, in order to minimize alterations required to existing construction, County staff will consider reasonable alternatives that meet the intent of code requirements.

<https://www.contracosta.ca.gov/DocumentCenter/View/70336/Legalizing-Addition-to-Existing-Residence-as-an-ADU-PDF>

### **City of Los Angeles -- Standard Process, with some streamlining and building code flexibility**

Applicants who have been cited for an unpermitted unit as a result of a building inspection, or who wish to legalize a previously created unit, may be eligible to legalize units through a streamlined application process if it was used as a residence between 2010 -2015. Assuming all life safety conditions are met, unit may legally join the housing market if the owner follows the stipulated process, including providing at least one low- or moderate-income affordable housing unit for each legalized unit. Applicants must complete a six-step process with City Planning, the Department of Building and Safety (LADBS), and the Housing and Community Investment Department (HCIDLA). <https://planning.lacity.org/plans-policies/unpermitted-dwelling-units>

### **City of San Diego -- Standard process, using building code in place at time of construction**

In San Diego, ADUs are evaluated using the building code in place at the time of construction -- as long as the dwelling unit meets the current life safety requirements and the current Title 24 energy efficiency standards. If the unit was constructed consistent with the building permit in place at the time and meets life-safety standards, then the owner pays the fees and the unit is subject to ongoing inspections. [Information Bulletin 242, March 2021, City of San Diego Development Services Department. <https://www.sandiego.gov/sites/default/files/dsdib242.pdf>

### **City of Santa Rosa -- Standard process, but guarantees no fines or penalties**

Santa Rosa ensures that no fines or penalties will be imposed, and that homeowners will suffer no repercussions by coming forward. Otherwise it follows the standard process. <https://srcity.org/DocumentCenter/View/20238/Obtaining-a-permit-for-existing-ADU>

### **Sonoma County - Allows delay of enforcement if unpermitted ADU meets health & safety standards**

Sonoma County's [ADU Rescue](#) is a program that allows qualifying ADU owners to ask for an enforcement postponement of up to five (5) years, pursuant to California Health and Safety Code § 17980.12 and Government Code § 65852.2. In order to qualify, the ADU must have been created before October 14, 2021 and has to pass a habitability inspection from a licensed professional. This Policy is intended to allow continued occupancy of an unpermitted ADU and does not waive the requirements for permits, penalties, or fees that may be required to legalize the structure at a future date.

# Appendix C

## Common Corrections Needed for Unpermitted ADUs

The first question is whether you want to legalize the unit as a Junior ADU or as an ADU. If it's within the frame of the original house, then you may choose between the two. For a Junior ADU located within the frame of an original house, it's quite possible that no corrections will be required. If the space was constructed with the original property, there's no "change of use" (i.e., it continues to be residential use, as originally built) and it meets the Housing Code, then no requirement for upgrades will apply. The homeowner may be required to permit any external door or other modifications made without permits.

For ADUs that involve past addition to the original structure, common upgrades are:

**Foundation:** Foundation footings may be nonexistent or inadequate to meet the building code. Anchor bolts may need to be installed. In addition, an existing slab may require repair or leveling. A new moisture and/or vapor barrier may be required between any slab areas and the flooring.

**Wall Framing and Roof Structure:** Roof beams and rafters may need to be re-engineered or bolstered by sistering in additional boards. In addition, shear walling may need to be added to the walls for additional structure.

**Title 24:** Any "change of use" triggers Title 24 building code energy requirements. Windows might need to be replaced to meet glazing requirements. A Title 24 consultant is generally necessary for making the required calculations.

**Windows:** Bedroom windows need to meet size and location requirements for egress (i.e. being able to evacuate through them in an emergency).

**Utility Connections and Meters:** Local jurisdictions / utility companies may require separate connections and meters. PG&E, in particular, will require a separate meter for an ADU with its own address. Electric and gas meters may need to be relocated if they are closer than three feet from each other. A new sewer line or water line might need to be run from the ADU to the main line on the street.

**Water Heater:** The water heater may need to be moved or enclosed because it cannot be left in the open in a newly converted garage living space or bedroom.

**Firewall:** Generally a 1-hour fire separation requirement between dwelling units, with the goal that if a fire starts in one unit, it will take an hour to spread to the second unit. This requirement is readily met in new construction with "Type X" drywall material, but can be exceptionally challenging in unpermitted and retrofit work. Your contractor may wish to consult with your local jurisdiction about possible alternative methods and materials that can meet the firewall requirement.

# Appendix D

## State Laws that Affect ADU Legalizations

Here are some state and local laws that can help a homeowner who wants to legalize an unpermitted ADU:

- Senate Bill 1069 (passed in 2016) (Govt. Code Section Section 65582.2) Requires a local agency to ministerially approve an ADU within an existing structure that is safe and to code. Utility fees must be proportionate to size of ADU and additional or replacement parking's not required.
- Senate Bill 13 (passed in 2019) (Govt. Code Section 17980.12) Under this law, local agencies are required to delay code enforcement against substandard ADUs for up to five years to give the homeowner time to correct violations, as long as the jurisdiction concludes that the unit has no health and safety problems. This means that if you receive notice that your ADU does not meet Building Code provisions, you can request a 5-year delay, and the jurisdiction will not take action against you. This provision is only applicable to ADUs built before January 1, 2020 (or ADUs built after January 1, 2020 if the jurisdiction did not have a compliant ADU Ordinance at the time of construction.) The trigger for this law is the property owner's request, so you must request this delay; it will not automatically be offered to you. Also note that this law is only in effect until January 1, 2030. However, your five-year delay starts on the date your request was approved, so if your request is approved on January 1, 2030, you will have until January 1, 2035 to correct your eligible (i.e., non-health and safety) violations. Local governments may not set limits on when the accessory structure was built, as a prerequisite to permitting and legalizing the unit, as long as it meets health and safety standards.
- Senate Bill 1226 (passed in 2018) (Govt. Code Section 17958.12). This law gives local building officials the discretion to apply the building standards that were in effect at the time of construction. This means that if a local building official agrees to apply the building standards that were in effect for a unit built in 1960, the homeowner would only have to meet the 1960 building code instead of today's more restrictive requirements. The building department could then issue a retroactive building permit for that construction. In some cases, it is difficult to identify the date of construction. Here are some possible ways to determine the construction date:
  - Historic (pre-1978) tax records
    - Utility records (water, electricity, etc.)
    - County Assessor's records
    - Property history records
    - Relative age of fixtures or appliances (toilets often have manufacturing dates on them, electrical wire often has a date printed on the sheathing).
- The California Existing Building Code (CEBC). A separate code exists for dealing with existing construction, compared to new construction. With the CEBC general, if a building element is left alone, it can be left alone. If it's exposed or modified, it must be brought up to the current code. The CEBC allows existing structures to remain as long as the new "live load" is within 10% of the old "live load". Live load refers to people walking or moving on top of the structure.

# Appendix E

## Sample Health & Safety Checklist for Existing Units

1. Is the unit free of significant structural damage or defects due to deterioration, such as tilting walls or sagging roofs that present hazards?
2. Does the unit have a foundation?
3. Is the unit free of sewer gas smells?
4. Is the unit free of exposed electrical wiring?
5. Does the electrical panel serving the unit have adequate capacity with appropriate fuses or circuit breakers?
6. Are rooms used for sleeping free of a gas furnace, water heater, stove or other gas appliances?
7. Is there a smoke detector in the unit and in each sleeping area or room?
8. Is there a carbon monoxide detector in the unit?
9. Is there a direct exit from the unit to the outside?
10. Are the roof, walls, and floors free of holes and any leaks?
11. Is there a second means of egress from sleeping areas or rooms?
12. Is the unit free of vermin or roach infestation?
13. Is the unit free of mold growth?

(City of Milpitas: <https://www.ci.milpitas.ca.gov/wp-content/uploads/2022/01/Form-Safe-ADU-Legalization-Program-Self-Assessment-Checklist-2021-rev-1.22.pdf>)

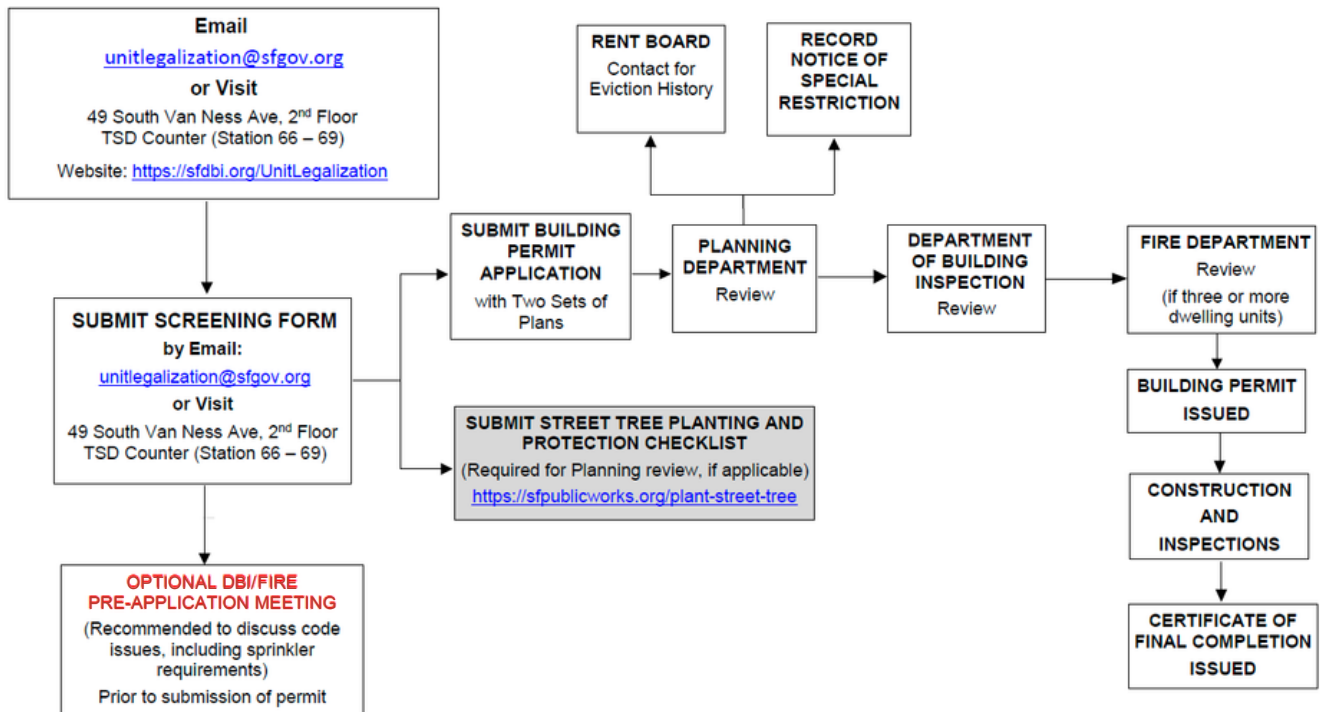


## City of Milpitas Safe ADU Legalization Program ROADMAP TO A SAFE ADU

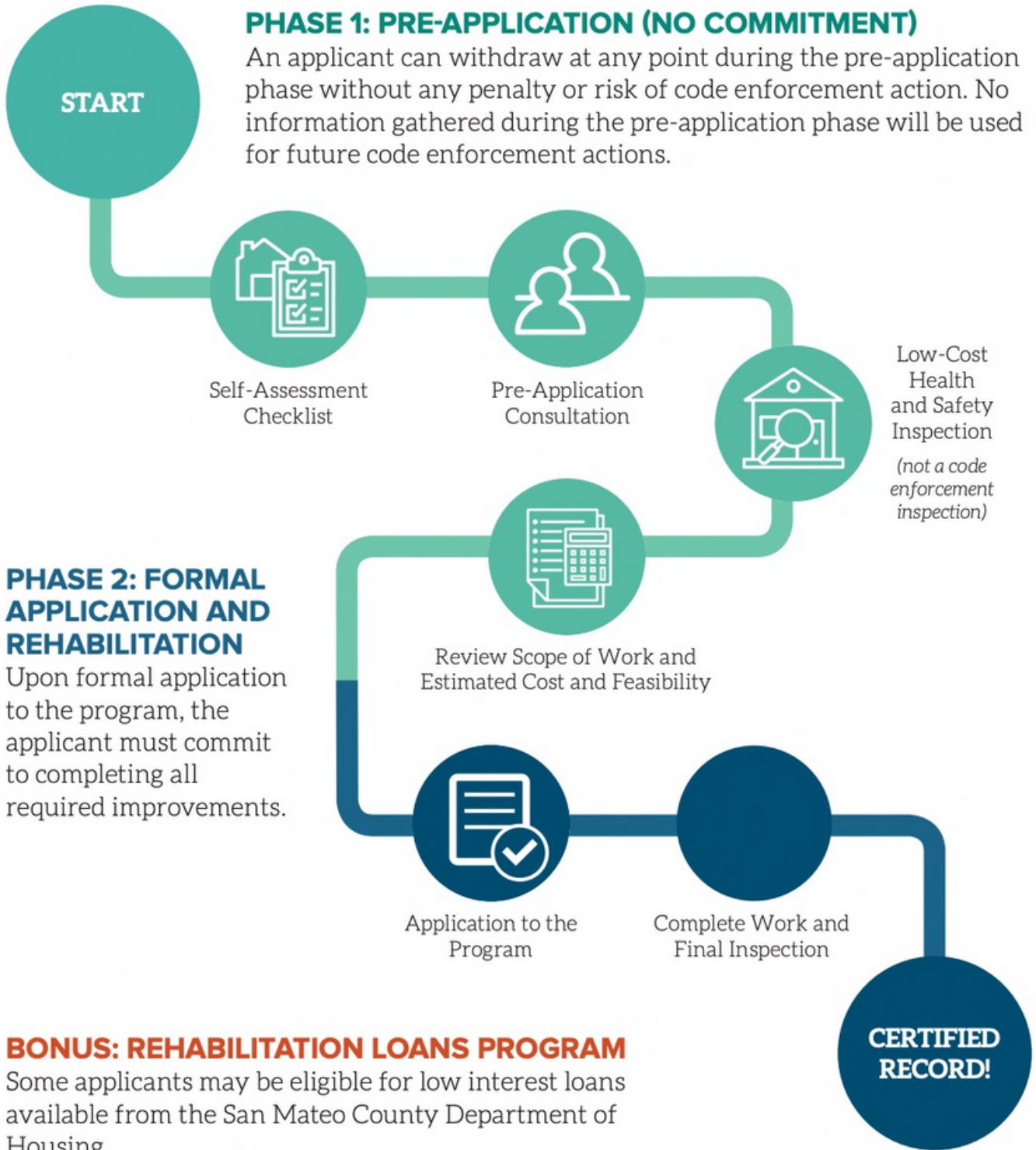


### San Francisco Department of Building Inspection

### Legalization of Dwelling Units Installed Without a Permit Process



## WHAT DOES THE PROCESS LOOK LIKE?



## HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

RESIDENTIAL LENDING AND REHABILITATION SERVICES

[ADULP@oaklandca.gov](mailto:ADULP@oaklandca.gov) / 238-3598

<https://www.oaklandca.gov/ADULP>



### ACCESSORY DWELLING UNIT LOAN PROGRAM (ADULP) Process Summary/Owner Instructions

Steps required to legalize an unpermitted ADU or JADU with ADULP financing are summarized below.

For more information, refer to materials available at the [ADULP website](#).

#### **Phase I: Pre-Approval**

1. Applicant completes the [ADULP Eligibility Checklist](#) to confirm minimum eligibility requirements are met.
  - A. *Project Eligibility:* An unpermitted secondary unit in an [Opportunity Zone](#) appropriate for ADULP legalization
  - B. *Applicant Eligibility:* owner occupancy, maximum household income [80% of Area Median](#) by household size.
2. If all questions in the checklist were answered YES, applicant completes the [pre-screening survey](#).
3. Likely candidates will be invited to submit a full application with supporting income and asset documentation.
4. A site assessment by the Project Manager will occur for those that appear eligible.

#### **Phase II: Feasibility Assessment & Bids**

5. After the initial assessment, staff develops a preliminary checklist of items to be reviewed for code compliance. *This review is to inform potential bidders and assess project feasibility and may not identify all code violations.*
6. Qualified contractors from the approved program list or as chosen by the owner are invited to attend a Bid Walk inspection with the owner and Project Manager. *See contractor guidance at the [ADULP website](#).*
7. Interested bidders develop the proposed scope of work, including any subcontracting needs for specialty expertise such as mechanical, electrical, plumbing, or architectural services.
8. Bidders submit sealed bids with a complete Scope of Work proposal to the Project Manager and owner.
9. Owner reviews bids, chooses a contractor, and returns the signed Bid & Proposal.

#### **Phase III: Loan Documents & Construction Contract**

10. Once a contractor is chosen and the loan amount is determined, applicant submits updated eligibility documentation for final loan approval.
11. Loan Documents are prepared and signed, notarized, and recorded to fund the account that will pay for services.
12. The Pre-Construction Conference to finalize scope and agreements is conducted with owner, Project Manager and contractor. Progress Payments may now be invoiced and paid according to the agreed upon schedule.

#### **Phase IV: Permitting, Construction & Progress Payments**

13. The [Amnesty Program for ADUs](#) may allow exemption from some zoning requirements and/or deferment of code enforcement assessments related to an unpermitted unit. A [preliminary application](#) is required to take advantage of this program before your contractor submits the [Single Family ADU Application](#) with the remaining permitting documents. *Discuss this option with your Project Manager if you think you can benefit.*
14. If not applying for amnesty, the contractor prepares plans and submits the full [Single Family ADU Application](#) through the Permit Center's on-line portal as *Small Project Design Review*.
15. Once permit requirements are met and fees are paid, the permit is issued, and construction may begin.
16. Invoices for Progress Payments must be submitted to the owner by the contractor for approval, then to program staff for processing. Any cost changes must be submitted and approved prior to commencement of relevant work. Payment processing and electronic deposit occur within two weeks.

#### **Phase V: Project Completion**

17. As construction nears completion and prior to the final payment request, contractor completes a closeout inspection with Project Manager to develop final punch list to be satisfied before all balances are paid.
18. Project receives passing final permit inspection and Contractor submits Notice of Completion (NOC) and Lead Clearances. The NOC is recorded with Alameda County and escrow is closed.

## Links & Resources

California Housing and Community Development [ADU resource page](#)

[HCD's ADU Handbook](#)

[CalHFA ADU Grant Program](#)

[City/County of San Francisco FAQs on Legalizing Unpermitted ADUs](#)

[City of Laguna Beach Staff Report on Unpermitted ADU Amnesty Programs](#)

[City of Los Angeles Six-Step Process handout:](#)

UC Berkeley Center for Community Innovation's [ADU publications](#)

[AARP ADU webpage](#)

[Casita Coalition YouTube channel](#)

[Casita Coalition Guidance memos: Garage Conversions & ADU Finance](#)

[ADU California Best Practices page](#)

[Housing Innovations Collaborative--Los Angeles R&D website](#)

[Accessorydwellings.org](#)

Southern California Association of Governments (SCAG) [ADU Planning & Development web page, study on ADUs and affordable rents](#)

Questions for HCD on interpretation: Submit here on their portal.

See link on [HCD ADU](#) page to download:

- ADU ordinance review letters sent to jurisdictions (XLS)
- ADU Technical Assistance Letters (XLS)



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Ron Chin



We invite you to donate or become a member and add your voice for a more inclusive, resilient California. Join or donate at [casitacoalition.org](http://casitacoalition.org)