

New State Laws Ease 'Granny Flat' Rules



As part of a far-reaching slate of studies, panels, and plans in California aimed at easing the Golden State's twin crises of housing availability and affordability, several new laws enacted earlier this year are easing the rules for constructing accessory dwelling units (ADUs), sometimes known as 'granny flats,' on residential property.



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An ADU - basically an additional small-footage dwelling built by homeowners on their residential-zoned property – can be one means of providing an affordable housing option for family members, friends, students, the disabled, and others.

The laws enacted on January 1, 2020, expand the ability for Californians to construct a second dwelling in the backyard of their residentially zoned single-family residence, either attached or detached from the primary residence, or by converting a garage.

The farthest-reaching new law will limit down zoning or reducing the number of units that can be built in a particular space, such as only allowing a single-family home on a lot previously zoned for an apartment building.

Another law will limit cities' ability to prevent homeowners from building second and third units less than 16 feet tall provided there is enough space to build them at least four feet from property lines, while a third law limits the fees cities and counties can charge people who want to build additional units.

Under the new provisions, an ADU must be secondary in size to the primary residence. A structure attached to the primary dwelling may be up to 50 percent of the size of the single-family home up to a maximum of 1,200 square feet, while an ADU detached from the residence may be up to 1,200 square feet regardless of the size of the primary residence.

In every case, the homeowner must obtain a building permit, which is required in order to ensure that the new structure meets all state and local zoning, building, health and safety codes. If the ADU structure was not permitted and/or if there are unpaid construction liens, that information would be discovered during a title search and could complicate, if not derail, a potential sale of the property by the primary homeowner.

Barbara Pronin is an award-winning writer based in Orange County, Calif. A former news editor with more than 30 years of experience in journalism and corporate communications, she has specialized in real estate topics for over a decade. This is not intended as a solicitation if your property is currently listed with another agent. These materials contain information and articles obtained from third parties. Rodeo Realty Inc does not endorse the recommendations of any third party nor guarantee the information provided is complete or correct.