

Assembly Bill No. 1332

CHAPTER 759

An act to add Section 65852.27 to the Government Code, relating to local government.

[Approved by Governor October 11, 2023. Filed with Secretary of State October 11, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1332, Juan Carrillo. Accessory dwelling units: preapproved plans.

Existing law, the Planning and Zoning Law, authorizes a local agency, by ordinance or ministerial approval, to provide for the creation of accessory dwelling units in areas zoned for residential use, as specified. Existing law authorizes a local agency to impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, and maximum size of a unit.

This bill would require each local agency, by January 1, 2025, to develop a program for the preapproval of accessory dwelling unit plans, whereby the local agency accepts accessory dwelling unit plan submissions for preapproval and approves or denies the preapproval applications, as specified. The bill would authorize a local agency to charge a fee to an applicant for the preapproval of an accessory dwelling unit plan, as specified. The bill would require the local agency to post preapproved accessory dwelling unit plans and the contact information of the applicant on the local agency's internet website. The bill would require a local agency to either approve or deny an application for a detached accessory dwelling unit within 30 days that utilizes either an accessory dwelling unit plan preapproved by the local agency within the current triennial California Building Standards Code rulemaking cycle or a plan that is identical to a plan used in an application for a detached accessory dwelling unit approved by the local agency within the current triennial California Building Standards Code rulemaking cycle. By imposing new duties on local agencies, the bill would create a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.27 is added to the Government Code, to read:

65852.27. (a) Each local agency shall, by January 1, 2025, develop a program for the preapproval of accessory dwelling unit plans. The program shall comply with all of the following:

(1) The local agency shall accept accessory dwelling unit plan submissions for preapproval.

(2) The local agency shall not restrict who may submit accessory dwelling unit plan submissions for preapproval.

(3) (A) The local agency shall approve or deny the application for preapproval pursuant to the standards established in Section 65852.2.

(B) The local agency may charge the applicant the same permitting fees that the local agency would charge an applicant seeking approval pursuant to Section 65852.2 for the same-sized accessory dwelling unit in reviewing and approving a preapproval accessory dwelling unit plan submission.

(4) (A) (i) Accessory dwelling unit plans that are preapproved pursuant to this subdivision shall be posted on the local agency's internet website.

(ii) The posting of a preapproved accessory dwelling unit plan pursuant to clause (i) shall not be considered an endorsement of the applicant or approval of the applicant's application for a detached accessory dwelling unit by the local agency.

(B) (i) The local agency shall also post the contact information of the applicant of a preapproved accessory dwelling unit plan, as provided by the applicant.

(ii) The local agency shall not be responsible for the accuracy of the contact information posted pursuant to clause (i).

(C) A local agency shall remove a preapproved accessory dwelling unit plan from their internet website within 30 days of receiving a request for removal from the applicant.

(5) A local agency may also admit the following accessory dwelling unit plans into the program:

(A) Plans that have been developed and preapproved by the local agency.

(B) Plans that have been preapproved by other agencies within the state.

(b) A local agency shall approve or deny an application for a detached accessory dwelling unit ministerially without discretionary review pursuant to paragraph (3) of subdivision (a) of Section 65852.2 and subdivision (b) of Section 65852.2, except that the local agency shall either approve or deny the application within 30 days from the date the local agency receives a completed application, if the application utilizes either of the following:

(1) A plan for an accessory dwelling unit that has been preapproved by the local agency pursuant to subdivision (a) within the current triennial California Building Standards Code rulemaking cycle.

(2) A plan that is identical to a plan used in an application for a detached accessory dwelling unit approved by the local agency within the current triennial California Building Standards Code rulemaking cycle.

(c) For purposes of this section, “accessory dwelling unit” and “local agency” have the same meaning as those terms are defined in Section 65852.2.

(d) The Legislature finds and declares that the lack of housing is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

SEC. 2. 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.