



Building and Safety Division

In accordance with California State Health and Safety Code Section 17980.12, the owner of an unpermitted accessory dwelling unit (ADU) has the right to request a delay in enforcement of code violations for 5 years on the basis that correcting the violation is not necessary to protect health and safety and meet State Fire Marshall requirements.

Section 17980.12 of the Health and Safety code shall remain in effect until January 1, 2035, and as of that date is repealed.

Building Division,
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ADU CODE ENFORCEMENT DELAY REQUEST FORM

The City of El Monte is required to inform owners of accessory dwelling units (ADUs) of their right to request a delay in enforcement of code violations for five years, as long as correcting the violations is not necessary for protecting health and safety and meeting State Fire Marshall requirements. This form is a formal request for a delay in enforcement to be reviewed and approved by City staff.

Building Information

Address:

APN #:

Applicant Information

Owner ☐ Owner's Agent ☐

Name: Phone #:

Address: City, Zip:

Email:

☐ My unpermitted ADU was constructed/converted *prior to* January 1, 2020

☐ My unpermitted ADU was constructed/converted *after* January 1, 2020

I hereby request that the City of El Monte allow the five-year code enforcement delay as provided by California State Health and Safety Code Section 17980.12, to correct the violations that are not health and safety related.

I understand that upon the code enforcement delay approval, future violations made by the owner or tenants will result in the code enforcement delay being revoked.

Applicant Signature

Date

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Office Use Only

☐ Approved ☐ Denied

Delay End Date:

Notes:

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Staff Review Signature

Date

Staff Name



El Monte ADU Code Enforcement Delay Request – Applicant Checklist

Instructions for Applicant:

Submit this checklist with your completed ADU Code Enforcement Delay Request Form. Provide as much documentation as possible. Incomplete submissions may delay processing. The City will review for compliance with Health & Safety Code § 17980.12 (and related El Monte Municipal Code provisions). Approval is not automatic and depends on whether violations require correction to protect health/safety (including State Fire Marshal requirements).

An inspection of the property will be required prior to approval of the delayed enforcement provision request. City staff will reach out to the applicant to schedule the inspection once the initial review of supporting documentation is completed.

1. Proof of ADU Construction Date (Required for Eligibility)

The ADU must generally qualify as built prior to January 1, 2020. Provide at least two of the following (dated evidence strongly preferred):

- Utility bills (electric, gas, water) in the name of occupants showing service to the ADU address/unit prior to Jan. 1, 2020.
- Dated photos with timestamps/metadata or other verifiable dating showing the ADU existed.
- Contractor invoices, permits (even if pulled for other work), or building records referencing the structure.
- Rental/lease agreements, tax records, or other records.
- Real estate/sales records, assessor data, or aerial imagery (e.g., Google Earth historical views).
- Other: _____ (describe).

2. Description of Violations & Proposed Corrections

- Brief description of the ADU (e.g., detached, converted garage, attached; approximate size; year of apparent construction).

- Any work already done or planned to address non-health/safety issues.



3. Health, Safety & Habitability Information (Critical for Review)

We must determine if corrections are not necessary to protect health/safety per HSC § 17920.3 standards (e.g., no structural hazards, adequate sanitation, electrical/plumbing safety, fire egress, etc.).

- Photos of the interior and exterior of the ADU (all rooms, systems, egress points).
- Any recent inspection reports (e.g., from a licensed contractor, electrician, plumber).
- Confirmation of working smoke/carbon monoxide detectors, operable windows/egress, and basic sanitation facilities.
- Any known issues with electrical, plumbing, structural, or fire safety.

4. Fire Safety (State Fire Marshal Requirements)

- Description of egress, fire separation from primary residence, and any alarms/suppression.

5. Additional Supporting Items required

- Site plan showing ADU location relative to property lines, primary dwelling, and street access.
- Acknowledgment that this delay does not legalize the unit or waive future permitting requirements.

Signature: _____ **Date:** _____

- Agreement that new violations may revoke the delay.

Signature: _____ **Date:** _____

Applicant Certification: I certify under penalty of perjury that the information and documents provided are true and correct to the best of my knowledge. I understand the 5-year delay is one-time, starts upon approval, and can be revoked for new violations.

Signature: _____ **Date:** _____