



DELAY OF ENFORCEMENT APPLICATION: ACCESSORY DWELLING UNIT (ADU)

PLANNING AND BUILDING DEPARTMENT

INTRODUCTION:

Senate Bill 13

In 2019, Governor Gavin Newsom signed Senate Bill 13 into law to amend California Health and Safety Code Section 17980, which allows property owners additional time to legalize an accessory dwelling unit constructed without the benefit of City permits. Per Senate Bill 13, a property owner can request up to five years to come into compliance with the City's permitting and inspection requirements. At the conclusion of the 5-year period, the property owner is required to obtain zoning approval and permits for the construction, make modifications to the dwelling as needed to meet applicable codes, and obtain the required inspections for the dwelling unit.

Assembly Bill 2533

On September 28, 2024, Governor Gavin Newsom signed Assembly Bill 2533 into law to amend Government Code Section 66332. Under this Bill the local agency cannot deny a permit for unpermitted ADUs or JADUs that were constructed before January 1, 2020, unless the local agency makes a finding that correcting the violation is necessary to protect health and safety. Also, the local agency cannot penalize the applicant for having an unpermitted ADU and must approve permits necessary to correct the noncompliance. The local agency can inspect the unit for compliance with **health and safety standards (See link below)**.

[Conditions-Necessary-To-Comply-With-Health-and-Safety-Standards-Delay-of-Enforcement-Checklist](#)

In addition, Under Assembly Bill 2533, an owner of an unpermitted ADU or JADU does not have to pay impact fees, connection fees, or capacity charges, unless it is for a utility connection required to comply with State Housing Law and minimum health and safety standards, or when the fee is authorized for specified utility connections under ADU law.

Homeowners may seek a third-party code inspection from a licensed contractor prior filing an application with their local agency.

ELIGIBILITY:

A property owner may be granted a time extension, up to five years, to allow the owner additional time to meet code compliance. The following generally describes the eligibility criteria:

- The unpermitted accessory dwelling unit (ADU) was built prior to January 1, 2020:
 - New square footage was added to the property to create the new dwelling unit, or
 - A garage or an area of the house was converted into a separate living unit.
- The unit's characteristics meet the definition of either an "Accessory Dwelling Unit" or "Junior Accessory Dwelling Unit" as defined by the Anaheim Municipal Code, that when permitted would meet all of the City's Municipal Code requirements at the time of permitting.
- ADUs may only be located in areas that are not classified as Sewer Deficiency Zones as defined by the Public Works Department
- At the conclusion of the five-year delay, if granted, the unpermitted construction will be subject to all applicable building codes and zoning codes at the time permits are requested.



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APPLICATION REVIEW:

The **Planning Division** will review your application and make a determination that the applicant has adequately described the area in question as an accessory dwelling unit. The Planning Division will contact the **Public Works Department** on your behalf to determine if your property is located in a Sewer Deficiency Zone.

Once Planning and sewer capacity reviews are complete, the Building Division will require an “Property Evaluation Permit” application and fee. The evaluation will be focused on identifying any [health and safety issues](#). If health and safety issues are identified, then they will have to be corrected, with permits, inspections and approvals, before granting the five-year enforcement delay. Some conditions may require the unit to be vacated until such time the unit is made habitable.

Be advised changes in building and zoning codes occur on an ongoing basis and may seriously affect the ability for you to obtain permits in the future for existing construction. It is highly recommended you obtain your permits as soon as possible to avoid a situation in which you are no longer eligible to permit the construction due to changes in codes. Also, the unpermitted construction will be subject to all applicable municipal code requirements at the time permits are requested.

Email completed application to the Planning Division at Planning@anaheim.net



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DESCRIPTION

Property Address: _____ Anaheim, CA

Please circle one of the choices below and provide the required information:

1. **Garage Conversion:** Garage was converted into an accessory dwelling unit.
___ Attached or ___ Detached Garage?
Garage Area: ___ square feet Bathroom inside the garage? ___ Yes ___ No
2. **Room Conversion (J-ADU):** A room within the existing main home was converted into an accessory dwelling unit.
Area of converted room: ___ s.f. Unit has a bathroom? ___ Yes ___ No
3. **New Construction:** A new structure was constructed in an accessory dwelling unit.
New structure is ___ Attached or ___ Detached to home?
Area of new structure: ___ square feet Unit has a bathroom? ___ Yes ___ No

When was the unit built or converted? _____ **Month** _____ **Day** _____ **Year**

I have confirmed sewer capacity for the ADU with the Public Works Department.

___ Yes ___ No If yes, attach a copy of the verification from Public Works.

PROPERTY OWNER CERTIFICATION

By signing below, I declare under penalty of perjury that I am the property owner, and the foregoing is true and correct and that I understand that an application does not constitute a time extension. I understand that I will be notified in writing if my application for a time extension is granted or denied. If granted the approval, I understand that it is the responsibility of the property owner to complete the permitting process and legalize the unpermitted construction upon expiration of the 5-year delay of enforcement.

Last Name: _____ **First Name:** _____

Signature: _____ **Date:** _____



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ACCESSORY DWELLING UNIT DEFINITIONS: The [Anaheim Municipal Code](#) defines two types of ADUs. A lot improved with a permitted single-family dwelling may be allowed to legalize up to one type of each accessory dwelling as defined below, subject to meeting Anaheim Municipal Code requirements:

Accessory Dwelling Unit: (ADU): A residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot zoned for residential use with a proposed or existing main dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation independent from the main dwelling unit. An Attached Accessory Dwelling Unit is attached to the main dwelling unit, having at least one (1) common wall and a common roof with the main dwelling unit. A Detached Accessory Dwelling Unit is detached from the main dwelling unit.

Accessory Dwelling Unit: Junior (J-ADU): This use class consists of a residential dwelling unit that is no more than 500 square feet in size, includes an efficiency kitchen, and is contained entirely within a single-family residence. An Accessory Dwelling Unit - Junior may include separate sanitation facilities or may share sanitation facilities with the existing structure.

CITY USE ONLY	
Property Address: _____ Anaheim, CA	
The application filed for the above referenced address, requesting a 5-year delay of enforcement request is hereby: ☐ Approved ☐ Denied	
Building Division Approval	
_____ Building Division Representative	_____ Date _____ Case Number(s)
Planning Division Approval	
_____ Planning Division Representative	_____ Date _____ Case Number(s) _____ Expiration of Five-Year Delay of Enforcement