



AMNESTY PROGRAM CHECKLIST FOR UNPERMITTED ACCESSORY DWELLING UNITS

Building Division

The intent of the Amnesty Program for Unpermitted Accessory Dwelling Units (the “Program”) is to help property owners legalize an Accessory Dwelling Unit (“ADU”) or Junior Accessory Dwelling Unit (“JADU”) that has not had the benefit of a permit and/or inspections. Property owners who successfully complete this process would be granted a “Certificate of Health and Safety Compliance” for the ADU.

Why Legalize an Unpermitted ADU?

- Reduces possible unknown risks to occupants
- Removes possible penalties due to illegal construction
- It’s easier than you might think and significantly cheaper than a normal Building Permit!

Is the ADU Eligible for Amnesty?

An ADU can be eligible for amnesty if it was constructed/converted before January 1, 2025. Staff will require some form of proof to confirm the date of construction, such as property tax bills, dated photos or videos, and sales records.

Who Sees This Checklist?

This Checklist is for you, the property owner. It will remain confidential unless the property owner decides to proceed with the Program and schedule an initial inspection as described below.

What are the Steps to Legalization?

1. **Fill out the Checklist Below.** Fill out the checklist on the subsequent pages to assess which corrective actions might be needed.
2. **Consultation with Planning and Building Division Staff.** Contact the Building Division (see contact information below) to ask questions and to confirm ADU eligibility. The property owner will not be asked to provide their name or address until an application is submitted as outlined in Step 3 below.
3. **File Application and Initial Inspection.** If the ADU is eligible for amnesty and the property owner agrees to proceed with the Program, then submit the following to the Building Division:
 - a copy of the checklist
 - the property address
 - contact information
 - a preliminary site-plan
 - proof the ADU was constructed before January 1, 202
 - a completed [building permit application](#)
 - applicable application fees

The Building Division will work with the property owner to schedule an initial inspection. This inspection will include an examination of the ADU, photographic documentation, and a write-up of a detailed discrepancy report. In particular, the inspector will be reviewing to determine if the ADU complies with Health and Safety Code Section 17920.3. A copy of this report will be made available. If the inspection determines there are no compliance issues, then skip to Step 5.

Upon scheduling of the initial inspection with the City, the property owner is obligated to correct any discrepancies deemed by the inspector to be violations to health and safety codes in a timely manner, as indicated by State Law. The property owner is also obligated to legalize the ADU, but can apply for up to a five-year delay of enforcement of non-health and safety code-related violations via the ADU Code Compliance Delay Request Form. The delay allows the property owner up to five years to remedy the non-health and life safety violations before being subject to enforcement to complete the legalization process, assuming a good-faith effort to correct any identified issues. The property owner may, however, elect to go forward with work to fix all violations together at the same time.

Alternatively, the property owner may obtain a confidential third-party inspection from a licensed contractor, at the property owner's sole cost, to determine the ADU's existing condition and/or potential scope of building improvements before submitting an application and agreeing to the initial inspection with the Building Division.

4. **Resolve Any Outstanding Issues.** Based on the results of the City's initial inspection, the property owner may be required to resolve any identified issues. In some instances, the required work may require a Building Permit and it's recommended to work with a licensed contractor, designer, and/or architect to complete the necessary work. In the event a corrective action is identified as part of the inspection of the unpermitted dwelling, prior to making any repairs, the property owner may be required to complete a "Tenant Habitability and Relocation Plan" describing how the property owner will maintain habitability for the tenant and any impacted adjacent units while repairs are being performed, and/or accommodate a temporary relocation for the tenant(s).
5. **Request Final Inspection.** Once the property owner has resolved any outstanding issues, contact the Building Division to request a final inspection. If the inspector determines the ADU is now safe to occupy, the Chief Building Official will issue a "Certificate of Health and Safety Compliance" and the ADU will be legalized and occupied! Please note: A Certificate of Health and Safety Compliance is a finding by the Chief Building Official or designee that a ADU built without building permits and inspections pursuant to the requirements of the Uniform Building Code meets minimum safety requirements for occupancy; this finding is not equivalent to a building permit or "as built" building permit and does not entitle the property owner to a separate Certificate of Occupancy.

Unpermitted ADU Checklist

Section 1: Background Information:

1. The Unit to be Legalized:
 - a. Total square feet of the subject ADU: _____
 - b. Approximate year the ADU was built or converted: _____
 - c. Year primary dwelling was built (if applicable): _____
2. Type of Unit (check one that applies):
 - a. ☐ Attached Conversion (i.e., converted garage, basement, etc.)
 - b. ☐ Attached Construction (e.g., addition to existing primary dwelling)
 - c. ☐ Detached Construction (e.g., ADU constructed separate from any other structures or the main home)
 - d. ☐ Detached Conversion (i.e., detached garage, shed, etc.)

Section 2: Background Information:

The property owner will be required to comply with California Health and Safety Code Section 17920.3 to ensure the ADU is not a substandard building (the list below is not inclusive of all requirements but is mostly comprehensive). If the City inspector observes basic health and safety hazards, such as those listed below, then the property owner must fix such items as soon as possible. For immediate life-threatening hazards, the property owner may be obligated to move the occupants into other premises until the hazard is eliminated.

#	Inspection Question	YES	NO	Unsure
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.	Does the unit have proper water closet, lavatory, or bathtub/shower?	☐	☐	☐
4.	Does the unit have a kitchen sink?	☐	☐	☐
5.	Does the unit have running hot and cold water?	☐	☐	☐
6.	Does the unit have adequate heating?	☐	☐	☐
7.	Is the unit free of sewer gas smells?	☐	☐	☐
8.	Is the unit free of exposed electrical wiring?	☐	☐	☐
9.	Does the electrical panel serving the unit have adequate capacity with appropriate fuses or circuit breakers?	☐	☐	☐
10.	Are rooms used for sleeping free of a gas furnace, water heater, stove or other gas appliance?	☐	☐	☐
11.	Is there a smoke detector in the unit in each sleeping area or room?	☐	☐	☐
12.	Is there a carbon monoxide detector in the unit?	☐	☐	☐
13.	Is there a direct exit from the unit to the outside?	☐	☐	☐
14.	Are there any deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors?	☐	☐	☐
15.	Is there a second means of egress from sleeping areas or rooms? (e.g., windows or other openings)	☐	☐	☐

