CAL FIRE - OFFICE OF THE STATE FIRE MARSHAL
Information Bulletin 25-004

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Accessory Dwelling Unit (ADU) - Update

Accessory Dwelling Units and Automatic Residential Fire Sprinkler System Requirements
The legislature has passed several bills that changed the requirements for Accessory Dwelling Units (ADU). The CAL FIRE Office of the State Fire Marshal (OSFM) is providing this Information Bulletin to provide guidance for the construction of ADUs and Junior Accessory Dwelling Units (JADU).

** This informational bulletin replaces the Office of the State Fire Marshal's Informational Bulletins- 17-001: Automatic Residential Fire Sprinkler System Requirements for Accessory Dwelling Units and 21-005: Accessory Dwelling Units and Automatic Residential Fire Sprinkler System Requirements with the additional requirements for JADUs, ADUs in multi-family buildings and includes a legislative history.*

The following is representative of State ADU Law as of January 1, 2025.

2022:
SB 897 - Defines "objective standards"; ADU construction does not change R occupancy, unless local agency finds an adverse impact on public health and safety; and prohibits ADU construction from triggering fire sprinkler installation in the existing primary dwelling.

AB 2221 - Defines "permitting agency"; allows ADUs to be at least 800 square feet and 16 feet in height within front setbacks.

2023:
AB 1033 - Allows cities and counties that have a local ADU ordinance to allow ADUs to be sold separately or conveyed from the primary residence as condominiums.

AB 976 - Removes ADU owner-occupancy requirements, no impact on JADUs.

AB 434 - Grants Housing Community Development (HCD) enforcement authority over ADUs.

2024:
SB 477 – NEW: Reorganizes sections of housing laws relating to ADUs and JADUs into a single chapter, Title 7, Division 1, Chapter 13 of the Government Code (sections 66310 thru 66342).

SB 1211 – Defines "livable space," allows for up to eight detached ADUs on lots with existing multifamily, and prohibits additional design and development standards.

AB 2533 – Extends the ADU amnesty law to unpermitted ADUs and JADUs built before 2020; provides a process for homeowners to permit their unpermitted ADUs; and provides financial assistance to lower and moderate income households seeking to permit their unpermitted ADUs and JADUs.

Definitions – Gov Code section 66313
Accessory Dwelling Unit (ADU) - (a) an **attached or a detached residential dwelling unit** that provides complete independent living facilities for one or more persons and is located on a lot with **a proposed or existing primary residence**. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

-An efficiency unit (section 17958.1 of the Health and Safety Code).
-A manufactured home, as defined in section 18007 of the Health and Safety Code.

Junior Accessory Dwelling Units (JADU) - (d) a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

Livable Space – (e) a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

Objective Standards - (i) Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

ADU Standards - Gov Code sections 66314 thru 66332

Size:

- Detached ADUs – 1200 square feet
- Attached ADUs – 50% of primary dwelling
- A local agency may establish maximums of up to 850 square feet for one bedroom or 1,000 square feet for more than one bedroom.
- EXCEPTIONS:
  - Section 66321 (b)(3) requires at least 800 square feet, regardless of the size of the primary unit
  - Conversions under section 66323 (a)(1) have no size limitations
  - Local ordinances allowing for larger, less restrictive sizes. ADUs may be larger than 1,200 square feet with Authority Having Jurisdiction (AHJ) approval.

Setbacks:

- An existing living area, or accessory structure, or converted existing structure in the same location and to the same dimensions as an existing structure that is converted to an ADU shall not require a setback.
- Building a new structure or replacing an existing structure in the same location and to the same dimensions as an existing structure requires a maximum setback of four feet from side and rear lot lines.

Building Code Violations:

- Gov Code section 66322 (b) - "Notwithstanding any other law, and whether or not the local agency has adopted an ordinance... The local agency shall not deny an application for... building code violations... that **do not** present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit."
- EXAMPLE: An unpermitted patio being constructed, or a re-roof done without permits on the primary dwelling, which is separate from a proposed detached ADU.

Automatic Residential Fire Sprinkler System Requirements:

- All ADUs, attached or detached, require fire sprinklers if the primary dwelling is equipped with a fire sprinkler system. The addition of an ADU shall not trigger fire sprinklers to be installed in the primary dwelling.
- Automatic residential sprinkler systems are required in all newly constructed dwellings including those built with an ADU.

Fire Department Access and Water Supply:

- Newly constructed ADUs are required to comply with the standards for fire protection such as water supply and fire department access. Automatic residential sprinkler systems provide construction options for the owner by providing different ways of complying with the fire protection requirements.
- Premise Identification for fire department access shall be approved by the AHJ.

JADU Standards - Gov Code sections 66333 thru 66339

- A unit not more than 500 square feet.
- Has a separate entrance.
- Has cooking appliances.
- May share sanitation facilities with the existing structure.
- Part of the primary structure existing or proposed such as attached garages per Gov Code section 66333(d).
- Deed restricted pursuant to Gov Code section66333 (c).
- Local AHJ may establish fire and life safety ordinances for single-family residences with junior accessory dwelling units. However, such ordinances must apply equally to all

single-family homes, regardless of whether they have a junior accessory dwelling unit. Gov Code section 66337.

Fire Hazard Severity Zone (FHSZ)-
Fire Hazard Severity Zones (FHSZs) should not restrict the development of Accessory Dwelling Units (ADUs). However, additional building standards may be necessary, including but not limited to California Fire Code Chapter 49 and California Building Code Chapter 7A.

Minimum Requirements for ADU and JADU Combinations –

Lots With Single-Family Dwellings (Group R-3) – Gov Code section 66323 (a)(1)&(2)

- One detached, new construction ADU up to 800 square feet, and
- One ADU conversion from an existing space, and
- One JADU within the space of a single-family dwelling.

Lots With Multi-family Dwelling Units (Group R-2, duplexes) – Gov Code section 66323 (a)(3)&(4)

- At least one converted ADU, up to 25% of the total existing multifamily dwelling units; and
- No more than two detached ADUs located on a lot that has a proposed multifamily dwelling, or
- Up to eight ADUs not exceeding the total number of units on a lot that has an existing multifamily dwelling.
- A Group R-3 Occupancy cannot be changed to an R-2 pursuant to Gov Code section 66314(d)(8).
- JADUs are not allowed in multifamily dwelling units or duplexes.

For Questions and Additional Information:
CAL FIRE – Office of the State Fire Marshal
Code Development and Analysis Division
P.O. Box 944246
Sacramento, CA 94244
CodeDevelopment@fire.ca.gov
(916) 568-3800

Useful Information:
https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units