

Guidance on Accessory Dwelling Units on Single-Family Lots

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SANDAG has developed the following guidance related to the number of accessory dwelling units (ADUs) permitted on single-family lots. This guidance is based on the California Department of Housing and Community Development's (HCD) interpretation of Government (Gov.) Code Section 66323, as outlined in the [2025 California Department of Housing and Community Development Accessory Dwelling Unit Handbook](#).

Disclaimer: This guidance is intended for informational purposes only and does not represent legal interpretation. Local jurisdictions should consult with their city attorney or county counsel prior to implementing any changes based on this information.

ADUs on Single-Family Lots Pursuant to Government Code Section 66323

In this guidance, the term “single-family lot” refers to a lot located in a residential or mixed-use zone that contains, or is proposed to contain, a single-family dwelling. Gov. Code Section 66323 creates two categories of ADUs and junior ADUs (JADUs) that must be approved ministerially on single-family lots:

- Single Family ADUs and JADUs created from converted space [Gov. Code Section 66323(a)(1)]. An ADU constructed from existing space can be either attached or detached from the single-family residence, as long as the space already exists and meets certain criteria.
- Single Family Detached ADUs [Gov. Code Section 66323(a)(2)].

How Many ADUs Must Be Allowed?

Gov. Code Section 66323(a) states: “a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create **any** of the following...”

HCD interprets “**any**” to mean that local agencies must allow **all** eligible ADU types permitted by the applicable site and lot conditions in addition to a primary single-family residence. Thus, local agencies must allow up to four total units on a single-family lot:

- One newly constructed detached ADU;
- One ADU converted from existing space (e.g., an attached garage, basement, or detached accessory structure);
- One junior ADU; and
- One primary single-family residence.

These units must comply with the applicable building code and health and safety requirements.

Potential Impact of Assembly Bill 956

The California Legislature (2025-2026 Session) is currently considering Assembly Bill (AB) 956, which proposes to amend Gov. Code Section 66323 to increase the number of detached ADUs that must be permitted ministerially from one to two. If enacted, this would require local agencies to allow up to five total units on a single-family lot ministerially:

- Two newly constructed detached ADUs
- One ADU converted from existing space
- One JADU
- One primary single-family residence.

Contact HCD with Questions and Assistance

For implementation assistance, local jurisdictions should contact HCD's Housing Accountability Unit. To submit a request, visit: www.hcd.ca.gov, Planning and Community Development, Accountability and Enforcement and click on [Housing Accountability Unit Portal](#).