

AB 1332: Preapproval of ADU Plans (Government Code Section 65852.27)

June 2025

Overview

Assembly Bill (AB) 1332 (Government Code Section 65852.27), which went into effect on January 1, 2025, requires local agencies to establish a process for the preapproval of architectural and design plans for accessory dwelling units (ADUs). The key provisions of AB 1332 include:

- Requiring jurisdictions to create a process for reviewing and preapproving ADU plans submitted by applicants.
- Requiring jurisdictions to ministerially approve applications using preapproved plans within 30 days of a complete application submittal.

What is an Accessory Dwelling Unit?

An accessory dwelling unit (ADU), defined in Government Code Section 66313 refers to 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.

For more information and resources on ADUs, visit the Department of Housing and Community Development's website : <https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units>.

Purpose

This document is intended solely as a technical overview of new legislation. It is not intended to serve as legal advice regarding any jurisdiction's specific policies or any proposed housing development project. Local staff should consult with their city attorney or county counsel before taking any action to implement these changes.

Key Compliance Provisions

Government Code Section 65852.27 allows any party to submit ADU plans for preapproval, as long as they own the copyright. Preapproved plans may be used on any site where an ADU would be permitted assuming the site-specific standards are met. It is important to note that Government Code Section 65852.27 does not require jurisdictions to own plans or make drawings available for free. Rather, jurisdictions must have a process to review plans for preapproval when requested by an applicant.

A local agency may admit preapproved ADU plans that have been:

- (1) developed and preapproved by the local agency;
- (2) developed by an outside architect or designer and preapproved by the local agency (as long as the proper consent and approval has been obtained); and
- (3) preapproved by other agencies within the state, but this is not required.

Reviewing ADU Plans for Preapproval

After a plan is submitted for preapproval, local agencies have 60 days from the date of submission to review applications. Local agencies are required to review ADU plans for preapproval just as they would for an ADU proposed for a specific site, except that the preapproved plans would not be specific to a particular site. Once the plans are preapproved, the local agency is required to post the plans on its website, along with the applicant's contact information. If requested by the applicant, the local agency must remove the plans from their website within 30 days.

Program Requirements

Government Code Section 65852.27 requires an ADU preapproval program to comply with the following requirements:

- (1) The local agency must accept ADU plan submissions for preapproval without restricting who may submit plans for preapproval.
- (2) The local agency must approve or deny the application for preapproval pursuant to existing ADU law (Government Code Section 66313). In reviewing and approving a submission for preapproval, the local agency may charge the applicant the same permitting fees that would be charged to an applicant seeking approval of an ADU of the same size.
- (3) The local agency must post preapproved ADU plans to their internet website. The posting must include the contact information provided by the applicant.

How to Comply with AB 1332 (Government Code Section 65852.27)

Local agencies should consider the following actions to establish a program that is compliant with Government Code Section 65852.27:

1. Develop a webpage to provide an overview of your agency's preapproved ADU program with an application form or submittal instructions detailing how applicants can submit plans for preapproval.
2. Post any preapproved ADU plans developed by your local agency, if applicable.
3. Post preapproved ADU plans not developed by the local agency, with the contact information provided by the applicant.
4. Bring an informational item to Planning Commission and/or City Council to describe requirements under Government Code Section

Streamlined 30-day Approval

Government Code Section 65852.27 requires a local agency to approve or deny an application using a preapproved plan for a detached ADU ministerially (without discretionary review) within 30 days from the date the local agency receives a completed application if the application utilizes either of the following:

- (1) a plan for an ADU that has been preapproved by the local agency within the current triennial California Building Standards Code rulemaking cycle pursuant to the standards outlined above, or
- (2) a plan that is identical to a plan used in an application for a detached ADU approved by the local agency within the current triennial California Building Standards Code rulemaking cycle.

Legal Disclaimers and Use Conditions

To protect jurisdictions from liability and ensure clarity on copyright ownership, agencies may consider incorporating legal disclaimers into their ADU preapproval process. Staff should work with their city attorney or county counsel to determine the appropriate approach for including applicant indemnification and copyright permissions.

Indemnification

Agencies may require applicants to sign an indemnification agreement when using pre-approved ADU plans. This helps protect the jurisdiction from liability related to the use or construction of those plans. The provision can be included in the ADU application checklist and as a condition of project approval. Staff should consult with their legal counsel on specific language to use; however, sample language is as follows:

By using the pre-approved accessory dwelling unit plans, you agree to release, defend (with counsel of the [City/County]'s choosing), indemnify and hold harmless the [County/City of X], its officials, officers, employees, volunteers, agents, and licensed professional who prepared, reviewed, and approved the accessory dwelling unit plans free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, direct or consequential damage or injury of any kind, in law or equity, to property or persons, including injury and wrongful death, in any manner arising out of, pertaining to, related to, or incident to acceptance, review, planning, project financing, selection of contractors or materials, suitability of onsite conditions, job safety, or any other use of these accessory dwelling unit plans [and construction documents]. The use of these plans does not eliminate or reduce the user's responsibility to verify any and all information.

Copyright

Agencies should ensure they have permission to post any copyrighted ADU plans submitted through the preapproval process. This permission should be obtained in writing from the copyright holder at the time of submission. Staff should consult with their legal counsel to develop appropriate consent language and procedures; however, sample consent language is as follows:

I, [name of designer], certify by signing below that I am the copyright holder of record for [name of ADU plans] and hereby consent to posting the accessory dwelling unit plans on the [City/County of X]'s website for online access, public review, and to be used by potential applicants as part of their accessory dwelling unit application materials and submittals. I understand that authorization to publish the plans online is entirely elective and not required and that I may request the plans be removed from the [City/County]'s website and removed from the accessory dwelling unit pre-approval program at any time.

By executing this form, I hereby voluntarily authorize the [City/County] to publish the ADU plans online.

Signature/Name _____ Date _____

Required Documentation for Chula Vista's Standard ADU Plan Program

To utilize the City of Chula Vista's Standard ADU Plans, applicants are required to complete and submit specific forms to address liability and copyright considerations. These documents ensure that both the city and the applicant are protected throughout the ADU development process.

- City Standard ADU Plan Affidavit - <https://www.chulavistaca.gov/home/showpublisheddocument/28169/638551644984070000>
- City Standard ADU Plan Hold Harmless Agreement - <https://www.chulavistaca.gov/home/showpublisheddocument/28171/638551645579230000>

Local Resources from SANDAG Cities and Counties

- City of Carlsbad, Accessory Dwelling Unit Permit Ready Program, <https://www.carlsbadca.gov/departments/community-development/planning/adu-permit-ready-program>.
- City of Chula Vista, Accessory Dwelling Units (ADU), <https://www.chulavistaca.gov/departments/development-services/permit-information/city-permits/accessory-dwelling-units>.
- City of Del Mar, Accessory Dwelling Units (ADUs) – 3D Models and Floor Plans for Public Use, <https://www.delmar.ca.us/815/ADU-Sample-Floor-Plans>.
- City of El Cajon, ADU Loan Program and Standard Plans, <https://www.elcajon.gov/your-government/departments/community-development/housing/adu-loan-program>.
- City of Encinitas, Permit-Ready Accessory Dwelling Unit (PRADU) Program & Building Plans, <https://www.encinitasca.gov/government/departments/development-services/policy-planning-housing/policy-planning/accessory-dwelling-units>.
- City of Escondido, Pre-Approved ADU Program (PAADU), <https://www.escondido.gov/1207/Pre-Approved-ADU-Program-PAADU>.
- City of Imperial Beach, Accessory Dwelling Unit Pre-Approved Plans, <https://www.imperialbeachca.gov/268/Accessory-Dwelling-Units>.
- City of La Mesa, Preapproved Accessory Dwelling Unit (PADU) Building Plans, <https://www.cityoflamesa.us/1821/Accessory-Dwelling-Units>.
- County of San Diego, Accessory Dwelling Unit (ADU) Building Plans, https://www.sandiegocounty.gov/content/sdc/pds/bldg/adu_plans.html.
- City of San Marcos, Permit Ready Accessory Dwelling Unit (PRADU) Program, <https://www.san-marcos.net/departments/development-services/building-code-compliance/pradu-program>.

Resources from Jurisdictions Outside of SANDAG Region

The following jurisdictions outside the SANDAG region have established programs for the preapproval of ADUs.

- City of Cupertino, Accessory Dwelling Unit - Pre-Approved Plans, <https://www.cupertino.gov/Your-City/Departments/Community-Development/Planning/Residential-Planning/Accessory-Dwelling-Units/Pre-Approved-Plans>.
- City of Fremont, Preapproved Accessory Dwelling Units (ADUs), <https://www.fremont.gov/government/departments/community-development/planning-building-permit-services/accessory-dwelling-units-adus/preapproved-accessory-dwelling-units-adus>.
- City of San Jose, Preapproved ADUS, <https://www.sanjoseca.gov/business/development-services-permit-center/accessory-dwelling-units-adus/preapproved-adus>.
- City of Santa Ana, Pre-Approved ADU Plan Submittal Process, <https://www.santa-ana.org/pre-approved-adu-plan-submittal-process/>.