

## 4-0-13 SUBMITTAL CHECKLIST FOR UNPERMITTED ADUs AND JADUs

### PURPOSE

California Government Code Section 66332, which took effect January 1, 2025, provides that existing unpermitted Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) constructed before January 1, 2020, may not be denied a permit unless the building is considered substandard under California Health and Safety Code Section 17920.3. Permit issuance will not be contingent on other standards for development, such as setbacks, size, and height restrictions.

As part of the permitting process, applications must demonstrate that the unpermitted ADU or JADU was constructed prior to January 1, 2020, and that it is not in substandard condition. This checklist serves as a guide on the documentation and conditions Permit Sonoma would find adequate to support these findings.

### ELIGIBILITY REQUIREMENTS

Your unpermitted ADU or JADU may be eligible for a permit if both of the following are true:

- ☐ It was created prior to January 1, 2020; **and**
- ☐ It is not considered substandard under Section 17920.3 of the Health and Safety Code.

### SUBMITTAL REQUIREMENTS FOR CREATION DATE

One or a combination of the following types of documents are acceptable to demonstrate an eligible creation date for the unpermitted ADU or JADU so long as there is sufficient dated detail to describe the unpermitted dwelling unit:

- ☐ Assessor field notes
- ☐ Contractor invoices for the unit's construction
- ☐ Rental or lease agreements
- ☐ Real estate transfer disclosure forms
- ☐ Prior official Building, Planning, or Code Enforcement records
- ☐ Insurance documents
- ☐ Other documentation may be considered on a case-by-case basis

### SUBMITTAL REQUIREMENTS TO SUPPORT COMPLIANCE WITH SECTION 17920.3

**Prior to permit application**, potential applicants may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements needed. See our Substandard Conditions Self-Assessment Checklist for a list of conditions which may deem a building substandard should they exist to an extent that they endanger life, limb, health, property, safety, or welfare of the occupants of the building, nearby residents, or the public.

**Once a permit application is submitted**, documentation demonstrating the building's habitability will be reviewed and an inspection by Permit Sonoma staff will be required to confirm certain building conditions relevant to Section 17920.3.

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- If conditions are found which would deem the building substandard, the applicant will **not** be penalized for having the unpermitted ADU or JADU.
- The inspector may provide recommendations on how to comply with health and safety standards necessary to obtain a permit

The following submittal checklist includes information Permit Sonoma would find adequate to make the finding that the unpermitted dwelling unit is not substandard under Section 17920.3. Submitted documentation should support that the following conditions exist or will exist at the time the Building Permit has been finalized or approved for occupancy.

### \_\_\_ Adequate Sanitation

- ☐ Adequate on-site sewage disposal system has been permitted and inspected
  - In lieu of an on-site system, there is a legal connection to a municipal sewer system.
- ☐ Adequate plumbing facilities exist in the dwelling, as required by code.
  - Adequate and proper water closet, lavatory, and shower or bath is provided.
  - Adequate and proper kitchen sink is provided.
  - Adequate hot and cold running water is provided to all required plumbing fixtures.
  - Plumbing meets code in effect at the time of installation and/or the plumbing remains in good working order.
  - Plumbing is free from cross connections and siphonages between fixtures.
- ☐ Adequate heating is provided in the dwelling.
  - Plans, details, and specifications of existing or proposed HVAC system in order to maintain a room temperature of not less than 68 degrees Fahrenheit at a point 3 feet above the floor and 2 feet from exterior walls in habitable rooms at the winter design temperature.
  - Adequate plans and details shall be provided justifying existing or proposed insulation values in roof, walls, and floors are sufficient to maintain this required heating.
- ☐ Presence and proper operation of all required ventilating equipment.
  - Plans, details, and specifications shall be provided to justify compliance of local and whole house ventilation requirements, in accordance with referenced standard ASHRAE 62.2.
- ☐ Adequate natural light and ventilation is provided.
  - Plans shall calculate and justify compliance in all habitable rooms.
- ☐ Room and space dimensions meet minimum code requirements.
  - Plans shall adequately dimension all rooms, demonstrating compliance with CRC Section R304 or alternately justify compliance with code requirements in effect at the time of construction.
- ☐ Required electrical lighting is provided.
  - Plans shall detail justify adequate illumination of all rooms and stairways, per CRC Section R303 or alternately justify compliance with code requirements in effect at the time of construction.
- ☐ Habitable rooms are free from dampness.
  - Third party verification from a qualified professional is required.
- ☐ Structure is free from infestation.
  - Third party verification from a qualified professional is required
- ☐ Structure is free from visible mold growth.
  - Third party verification from a qualified professional is required

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- ☐ Structure is free from general dilapidation or improper maintenance.
  - Third party verification from a qualified professional is required
- ☐ Adequate garbage and rubbish storage and removal facilities is provided for the dwelling.
  - Plans shall identify location(s) of garbage and rubbish storage. Applicant shall verify a garbage removal contract is maintained.

### **\_\_\_ Lack of structural hazards**

- ☐ The structure has the foundation, walls, partitions, ceilings, roofs, horizontal and vertical members that are of sufficient size to carry imposed loads with safety.
- ☐ The structure resists vertical (i.e. gravity and live loads) and horizontal (i.e. wind, seismic, flood, and soil loads) loading criteria.
  - Adequate plans and details are provided to justify compliance
- ☐ The plans and justifying documents shall verify the existing structural elements, including foundation, are not deteriorated, inadequate, or otherwise defective.
  - The responsible design professional shall verify assumed structural elements are not defective and this will be verified during the Building Inspection process.

### **\_\_\_ Electrical wiring meets the applicable and adopted code at the time of installation and remains in good and safe condition and working properly.**

- ☐ Electrical plans shall be provided justifying compliance to applicable adopted codes in effect at the time of installation.

### **\_\_\_ Mechanical equipment and vents conform to the code at the time of installation and remains in good and safe condition and working properly.**

- ☐ Mechanical plans and equipment specifications shall be provided justifying compliance to applicable adopted codes in effect at the time of installation

### **\_\_\_ Adequate weather protection is provided as follows:**

- ☐ No deteriorated, crumbling, or loose plaster.
- ☐ No deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
- ☐ No evidence of defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
- ☐ No broken, rotted, split, or buckled exterior wall coverings or roof coverings.
  - Plans shall identify and detail adequate weather protection, as required.

### **\_\_\_ No accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborage, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards and all construction materials allowed by the code are adequately maintained in good and safe condition.**

- ☐ Plans shall note compliance with these requirements, and this will be verified during the Building and Fire Inspection process.

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- \_\_\_ All buildings or portions thereof are provided with adequate exit facilities as required by the Health and Safety Code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- ☐ All egress facilities and elements shall be adequately identified and detailed in the applicable plan set.
- \_\_\_ All buildings or portions thereof are provided with the fire-resistive construction or fire-extinguishing systems or equipment required by the Health and Safety Code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- ☐ Plans shall adequately identify and detail adequate fire-resistive construction, as required.
- ☐ Permits for fire-extinguishing systems shall be reviewed and approved by the Fire Division if required.
- \_\_\_ All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes were designed or intended to be used for those occupancies.
- ☐ Plans and supporting documents that the proposed structure was not originally designed and constructed as a use other than a dwelling. Conversions of existing structures not designed as a residential occupancy cannot be legalized through this process.

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