



Legalizing Accessory Dwelling Units Built Prior to 2020 – Self-Assessment Checklist –

Overview

State law allows those ADUs and Junior ADUs built before January 2020 that were illegally constructed or included unpermitted work to be legalized (Gov. Code, § 66332, subd. (a)).

To do so, a homeowner must:

1. Show compliance with the basic definition of an ADU or JADU below:
 - a. **Accessory Dwelling Unit (ADU):** 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 ADU also includes the following: (A) An efficiency unit. (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code. Source: Government Code section 66313, subdivision (a)
 - b. **Junior Accessory Dwelling Unit (JADU):** A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. Source: Government Code section 66313, subdivision (d)
2. Provide proof that the unit was in existence prior to 2020 (photos, lease agreements, utility bills, so forth); and
3. Submit appropriate information (documentation, receipts, photos, plans) as part of the building permit application to help satisfy sign off on Health and Safety Code Section 17920.3 (checklist below).

Homeowners 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 before applying for a building permit to help you understand the costs of the necessary improvements to legalize your ADU. Without this information, you may be very surprised when quotes are given later which may put you in a difficult position.

Legalization Process

As part of the permit approval process, the building inspector may inspect the unit for compliance with health and safety standards listed below and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the local agency shall not penalize applicants for having the unpermitted J/ADU and shall provide guidance on how to approve necessary permits to correct noncompliance with health and safety standards.

As part of the preliminary inspection, the building inspection will determine the amount of finishes required to be removed to inspect and verify that the construction, mechanical, electrical and/or plumbing installations comply with Health and Safety Code Section 17920.3. Units that do not meet these requirements are considered substandard and are not considered habitable. State law allows property owners to apply for a 5-year delay of enforcement window on identified non-life / health safety items by completing and submitting a request to the City.

- Those illegal J/ADUs under an active code enforcement case to legalize the unit or has an active building permit to legalize the unit do not qualify for this program.
- You may not delay the completion, inspection and approval of items listed in Section 2 below.

Common Problems

Physical deterioration is often a contributing factor to substandard housing. A house might, for example, need a new roof. When it rains, the roof might cave in or leak, causing the house to flood or the residents to be injured. This, in turn, creates further hazards if the house is flooded or falling apart. Some cases of substandard housing are not so visible.

Outdated or dangerous electrical systems, rusting or loose pipes and gas leaks can all pose significant safety hazards that might go unnoticed until an accident happens.

Substandard Conditions and Tenants Rights

The law requires landlords to keep their properties in safe, habitable condition and to comply with local building codes. A substandard building is any building or portion thereof in which certain conditions exist to the extent that it endangers the health and safety of its occupants or the public. Following is a list of those conditions. The checklist is to assist homeowners in gathering information and working with city officials to satisfy inspections. Should a unit not comply with the checklist, it will be considered a “substandard building” and in non-compliance.

Substandard homes might be condemned, or the landlord might be prohibited from allowing anyone to occupy the home until it's repaired. If the unit is uninhabitable, this might also void the lease and enable the renters to move out; it could also be grounds for a lawsuit.

For more information about the rights of tenants and landlords, see the [Residential Tenants' and Landlords' Rights and Responsibilities Guide](#) (PDF).

Self-Assessment Checklist to Qualify for Legalization of your J/ADU

This checklist is for property owners to review and evaluate those requirements under the Health and Safety Code that will be required to legalize the unit. The self-assessment checklist does not need to be submitted, but if you decide to proceed with a building permit to legalize the unit, the city staff may request information contained in the checklist.

SECTION 1: Project Description-Unit to be Legalized. Please describe the characteristics of your parcel and illegal JADU or ADU ("J/ADU") that is on your property to determine eligibility under state law.

1. Year primary home was built: _____
2. Zoning District of the property: _____
3. Total square feet (sf) of J/ADU: _____

NOTE: For total square footage add the square footage of all areas in the unit connected by a door or other opening, including bathrooms and closets.

4. Year ADU was built and/or converted: _____
5. Type of unit – check the one that applies
 - ☐ Attached Garage Conversion: An attached garage was converted to a living unit.
 - ☐ Detached Unit Construction: A living unit was constructed separate from the main home.
 - ☐ Detached Conversion: A detached garage or other structure was converted to a living unit.
 - ☐ Interior Room Conversion: Room(s) within the main home converted to a living unit.

SECTION 2: Basic Health & Safety Requirements. You will be required to comply with [California Health & Safety Code Section 17920.3](#) and [Title 8 of the Sausalito Municipal Code](#) to ensure the J/ADU is not a substandard building (discussed above). If the City inspector observes basic health and safety hazards such as those listed in Section 2, you must fix such items as soon as possible. For immediate life-threatening hazards you may be obligated to move the occupants into other premises until the hazard is eliminated.

QUESTIONS: A “No” answer indicates that a remediation, repair, or a degree of reconstruction is needed. You can obtain costs for this work by obtaining estimates from licensed contractors.	YES	NO	NOT SURE
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. Is the unit free of sewer gas smells?	☐	☐	☐
4. Is the unit free of exposed electrical wiring?	☐	☐	☐
5. Does the electrical panel serving the unit have adequate capacity with appropriate fuses or circuit breakers?	☐	☐	☐
6. Are rooms used for sleeping free of a gas furnace, water heater, stove or other gas appliance?	☐	☐	☐
7. Is there a smoke detector in the unit and in each sleeping area or room?	☐	☐	☐
8. Is there a carbon monoxide detector in the unit?	☐	☐	☐
9. Is there a direct exit from the unit to the outside?	☐	☐	☐
10. Are the roof, walls, and floors free of holes and any leaks?	☐	☐	☐
11. Is there a second means of egress from sleeping areas or rooms?	☐	☐	☐
12. Is the unit free of vermin or roach infestation?	☐	☐	☐
13. Is the unit free of mold growth?	☐	☐	☐

SECTION 3: Requirements to get a building permit. The questions below do not represent all the codes and issues that may apply to your unit. These are only examples of common issues. The initial inspection will result in a detailed report of the work needed to get a building permit.

QUESTIONS: A “No” answer indicates that a remediation, repair, or a degree of reconstruction is needed. You can obtain costs for this work by obtaining estimates from licensed contractors.	YES	NO	NOT SURE
1. Is the ceiling at least 7’6” or at least 6’8” in bathrooms and closets?	☐	☐	☐
2. Is there a toilet, or for a JADU, is there access to a toilet?	☐	☐	☐
3. Is there a shower or tub with hot and cold water or access to the main home bathroom if unit is a JADU?	☐	☐	☐
4. Is there an exhaust fan to vent the bathroom?	☐	☐	☐
5. Does the unit have its own heating system with a thermostat?	☐	☐	☐
6. Does the unit have facilities for cooking and a kitchen sink? (Sink not required for JADU)	☐	☐	☐
7. Does the unit have a hinged exterior door that is at least 3’ wide and 6’8” high?	☐	☐	☐
8. Are there working electrical outlets and light switches in all rooms?	☐	☐	☐
9. Does the occupant have access to the circuit breakers for the ADU without entering the main house?	☐	☐	☐

NEXT STEPS. Based on your self-assessment, you may wish to consider applying for a building permit to legalize your J/ADU. See below for the overview of next steps to legalize your J/ADU.

TO LEGALIZE YOUR UNPERMITTED ADU:

1. **Hire a design professional** (licensed or unlicensed, except structural work will require licensed design professional) who will be responsible for providing a professional assessment of what legalization may entail and preparing submittal documents and plans for permit application.
2. **Submit Legalization Application Materials.** Submit [permit application](#) (LINK) and [submittal documents](#) (PDF) and plans through the [electronic submittal system](#) (LINK).
3. **Review Inspection Report to Legalize Space.** Address any code issues of the unpermitted work to comply with the Health and Safety code and approved plans. Property owners may request a 5-year delay on the enforcement of a violation that is not necessary to protect health and safety, as determined by the Building Official. See note below for additional details.
4. **Obtain Building Permit.** Obtain building permit through the plan review and building permit issuance process.
5. **Obtain Final Inspection to Legalize Unit.** Obtain final permit approval through the inspection process.

Note: Property owners who voluntarily seek to legalize the unpermitted ADU, either through the ADU Legalization Program or otherwise, may also request delay in correcting **non-health and safety code issues**. The following will be required during Step 2 above for such request:

- a) Identify the list of non-health and safety code issues requested to be delayed for compliance in the ADU Code Compliance Delay Request Form (see next page).
- b) The plans shall show the existing conditions of code issues and the corrections required.
- c) The plans shall identify which code issue corrections will be requested to be delayed.
- d) The code issues identified to be delayed for correction shall be corrected within 5 years of the code violation issued date or the permit issuance date, whichever is earlier



ADU Legalization: Compliance Delay Request Form

State law allows upon application and approval, an owner of a substandard Accessory Dwelling Unit (ADU) and/or Junior ADU ("J/ADU") 5 years to correct violations--if the violations are not health and safety issues, as determined by the enforcement agency. The delay allows homeowners five years to complete the ADU legalization process by clearing the non-health and safety violations before being subject to enforcement.

The items identified in the under the Health and Safety Requirements in the Self-Assessment Checklist are based on [California Health & Safety Code Section 17920.3](#) and may be supplemented by those items noted in the courtesy inspection report by the Building Inspector. Health and Safety items shall be corrected and inspected for compliance in a timely fashion. All other items as noted on the checklist and inspection report are eligible for delayed enforcement up to five years.

INSTRUCTIONS:

This request form must be signed by the property owner and submitted with the application for a building permit to legalize the J/ADU.

I, _____, owner of the property identified as;

_____,
do hereby request that the City allow the five-year delay as provided in the aforementioned State laws (Gov. Code, § 66331; HSC, § 17980.12)., to correct the items listed in the ADU Legalization Checklist and Building Inspection report that are not identified as Health and Safety related item.

Signed: _____ Date: _____

FOR CITY USE

Reviewed by: _____ Title: _____

Date: _____