



COMMUNITY DEVELOPMENT DEPARTMENT BUILDING DIVISION

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Accessory and Junior Accessory Dwelling Unit (ADU/JADU) Legalization

AB 2533 allows owners of unpermitted ADUs constructed before January 1, 2020 to obtain permits to permanently “legalize” their ADU, while only meeting the requirements of Health and Safety Code (H&SC) 17920.3. This code section requires buildings to meet sanitary, structural, electrical, plumbing, mechanical, weather protection, approved material, maintenance, exit, and fire health and safety requirements. This incorporates the majority of the requirements in the California Building Standards Code. **Under this bill, local ADU ordinances and California Energy Code and CALGreen Code requirements are exempted. All conditions that deem a building substandard must be corrected as part of the permit process. A checklist of substandard conditions under H&SC 17920.3 is found on page 2.**

Before applying for a building permit, you are encouraged to obtain a confidential third-party code inspection from a licensed contractor or design professional to determine the existing condition or potential scope of building improvements. However, once you are ready and want to learn more about how to permit and legalize your ADU, it is highly recommended to first obtain a physical copy of your assessment records. As the legal owner, you should request a copy of your entire file that includes all assessor’s notes, diagrams, and assessments. The assessment documents are valuable for the building division to apply minimum standards to the structure based on the health & safety requirements. After you receive the assessment documents, you can either submit the documents to the City of Chico Building Division, Attn: Building Official, 411 Main Street, Second Floor for review, or request an in person meeting with the Building Official or Plans Examiner to plan and prepare for the next steps.

AB2221 is superseded by AB2533. Until January 1, 2030, AB 2221 allows owners of unpermitted ADUs constructed before January 1, 2020 to request a 5-year delay of enforcement against the violation, so long as they do not endanger health and safety. ADUs constructed without permits inherently endanger health and safety, therefore even under this bill, owners must obtain permits to meet the California Residential, Mechanical, Electrical, Plumbing, and Fire Code requirements. Enforcement of California Energy Code and CALGreen Code may be delayed the 5-years, after which it could be required to meet all California Buildings Standards Codes and local ADU ordinances include setback and lot coverage requirements.

Health and Safety Code Substandard Checklist

If any building or portion thereof, regardless of zoning designation or approved uses of the building, including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the occupants of the building, nearby residents, or the public shall be deemed and is hereby declared to be a substandard building:

“Substandard building” also includes a building not in compliance with Section 13143.2. (State Fire Marshal codes and regulations)

(a) Inadequate sanitation shall include, but not be limited to, the following:

- (1)** Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
- (2)** Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
- (3)** Lack of, or improper kitchen sink.
- (4)** Lack of hot and cold running water to plumbing fixtures in a hotel.
- (5)** Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
- (6)** Lack of adequate heating.
- (7)** Lack of, or improper operation of required ventilating equipment.
- (8)** Lack of minimum amounts of natural light and ventilation required by this code.
- (9)** Room and space dimensions less than required by this code.
- (10)** Lack of required electrical lighting.
- (11)** Dampness of habitable rooms.
- (12)** Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in [Penal Code \(PC\) section 829.5](#), upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.
- (13)** Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in [PC 829.5](#), excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.
- (14)** General dilapidation or improper maintenance.
- (15)** Lack of connection to required sewage disposal system.
- (16)** Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer as defined in [PC 829.5](#).

(b) Structural hazards shall include, but not be limited to, the following:

- (1)** Deteriorated or inadequate foundations.
- (2)** Defective or deteriorated flooring or floor supports.
- (3)** Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4)** Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (5)** Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6)** Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration.

- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration.
- (9) Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.
- (c) Any nuisance.
- (d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
- (e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.
- (f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
- (g) Faulty weather protection, which shall include, but not be limited to, the following:
 - (1) Deteriorated, crumbling, or loose plaster.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
 - (3) 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.
 - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or the chief's deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (i) All materials of construction, except those that are specifically allowed or approved by this code, and that have been adequately maintained in good and safe condition.
- (j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
- (k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.
- (l) All buildings or portions thereof not provided with adequate exit facilities as required by this 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. When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

- (m)** All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this 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.
- (n)** All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.
- (o)** Inadequate structural resistance to horizontal forces. “Substandard building” includes a building not in compliance with [HSC 13143.2](#). However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.