

Introduced by Senator Cervantes

February 17, 2026

An act to amend Section 66311.5 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1117, as introduced, Cervantes. Accessory dwelling units and junior accessory dwelling units.

Existing law, the Planning and Zoning Law, among other things, provides for the creation by ordinance, or by ministerial approval if the local agency has not adopted an ordinance, of an accessory dwelling unit (ADU) in accordance with specified standards and conditions. Existing law requires fees charged for the construction of ADUs to be determined in accordance with specified provisions of the Mitigation Fee Act. Existing law prohibits a local agency, special district, or water corporation from imposing any impact fee upon the development of an ADU that has 750 square feet of interior livable space or less, and requires any impact fees charged for an ADU that has more than 750 square feet of interior livable space to be charged proportionately in relation to the square footage of the primary dwelling unit.

This bill would additionally require the charge to be based only on the area in excess of 750 square feet of interior livable space. By changing the duties of local agencies with regard to calculating fees for ADUs, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66311.5 of the Government Code is
2 amended to read:

3 66311.5. (a) Fees charged for the construction of accessory
4 dwelling units or junior accessory dwelling units shall be
5 determined in accordance with Chapter 5 (commencing with
6 Section 66000) and Chapter 7 (commencing with Section 66012).

7 (b) An accessory dwelling unit or junior accessory dwelling
8 unit shall not be considered by a local agency, special district, or
9 water corporation to be a new residential use for purposes of
10 calculating connection fees or capacity charges for utilities,
11 including water and sewer service, unless the unit was constructed
12 with a new single-family dwelling.

13 (c) (1) A local agency, special district, or water corporation
14 shall not impose any impact fee upon the development of an
15 accessory dwelling unit that has 750 square feet of interior livable
16 space or less or a junior accessory dwelling unit that has 500 square
17 feet of interior livable space or less. Any impact fees charged for
18 an accessory dwelling unit that has more than 750 square feet of
19 interior livable space shall be charged proportionately in relation
20 to the square footage of the primary dwelling-unit, and only
21 on the area in excess of 750 square feet of interior livable space.

22 (2) For purposes of this subdivision, “impact fee” has the same
23 meaning as the term “fee” is defined in subdivision (b) of Section
24 66000, except that it also includes fees specified in Section 66477.
25 “Impact fee” does not include any connection fee or capacity
26 charge charged by a local agency, special district, or water
27 corporation.

28 (3) For the purposes of this section and Section 17620 of the
29 Education Code, an accessory dwelling unit or junior accessory
30 dwelling unit that contains less than 500 square feet of interior

1 livable space shall, for the purpose of subparagraph (C) of
2 paragraph (1) of subdivision (a) of Section 17620 of the Education
3 Code, be considered other residential construction that does not
4 increase assessable space by 500 square feet.

5 (d) For an accessory dwelling unit or a junior accessory dwelling
6 unit described in paragraph (1) of subdivision (a) of Section 66323,
7 a local agency, special district, or water corporation shall not
8 require the applicant to install a new or separate utility connection
9 directly between the unit and the utility or impose a related
10 connection fee or capacity charge, unless the unit was constructed
11 with a new single-family dwelling, or upon separate conveyance
12 of the accessory dwelling unit pursuant to Section 66342.

13 (e) For an accessory dwelling unit that is not described in
14 paragraph (1) of subdivision (a) of Section 66323, a local agency,
15 special district, or water corporation may require a new or separate
16 utility connection directly between the accessory dwelling unit
17 and the utility. Consistent with Section 66013, the connection may
18 be subject to a connection fee or capacity charge that shall be
19 proportionate to the burden of the proposed accessory dwelling
20 unit, based upon either its square feet or the number of its drainage
21 fixture unit (DFU) values, as defined in the Uniform Plumbing
22 Code adopted and published by the International Association of
23 Plumbing and Mechanical Officials, upon the water or sewer
24 system. This fee or charge shall not exceed the reasonable cost of
25 providing this service.

26 SEC. 2. The Legislature finds and declares that ensuring
27 housing of is a matter of statewide concern and is not a municipal
28 affair as that term is used in Section 5 of Article XI of the
29 California Constitution. Therefore, Section 1 of this act amending
30 Section 66311.5 of the Government Code applies to all cities,
31 including charter cities.

32 SEC. 3. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 a local agency or school district has the authority to levy service
35 charges, fees, or assessments sufficient to pay for the program or
36 level of service mandated by this act, within the meaning of Section
37 17556 of the Government Code.