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Assemblywoman, District 11

## FACT SHEET

# AB 3057: JADU CEQA Exemption

### SUMMARY

Under existing law, local Accessory Dwelling Unit (ADU) ordinances are exempt from the California Environmental Quality Act (CEQA), expediting ADU approvals, and increasing critically needed housing. AB 3057 closes a gap in existing law by allowing Junior Accessory Dwelling Unit (JADU) ordinances to benefit from the same CEQA exemption.

### BACKGROUND

Junior ADUs are smaller accessory units (no more than 500 square feet) created entirely within the envelope of existing single-family homes, often to create privacy for multi-generational households living under one roof.

While state law treats these housing projects similarly to attached or detached ADUs, offering the same provisions for ministerial approvals on strict timelines and limiting local governments' discretion to deny permits, JADU regulations fall under a different state code section.

Under current law, the enactment or amendment of a zoning code is considered a discretionary project, which makes zoning changes subject to CEQA challenges.

### PROBLEM

Current law<sup>1</sup> exempts, from CEQA, the adoption or amendment of an ADU ordinance that implements state ADU law under Government Code 65852.2.

However, state law does not exempt the adoption of a JADU ordinance because state JADU law falls under a different code section, 65852.22. As such, the adoption

of local JADU ordinances remains subject to CEQA challenges, even when those ordinances are adopted to conform with state law.

This discrepancy makes little sense, given that JADUs, constructed within the walls of existing homes, have less environmental impact than new attached or detached ADUs. Further, concern over potential CEQA litigation may inhibit some cities from updating their JADU ordinance to comply with state law.

### SOLUTION

AB 3057 is a technical fix that creates parity between ADUs and JADUs—by allowing Junior Accessory Dwelling Unit ordinances to qualify for the same CEQA exemption as ADU ordinances.

### CONTACT

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### SUPPORT

California YIMBY (Sponsor)

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<sup>1</sup>[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PRC&sectionNum=21080.17](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=21080.17).