



Housing + Community Investment Department Accessory Dwelling Unit / Junior Accessory Dwelling Unit Frequently Ask Questions

Date: 5/4/2021

The Frequently Asked Questions (FAQs) provided below highlight topics and specific questions that are often asked of the Housing + Community Investment Department (HCID) regarding Accessory Dwelling Units (“ADU”) and Junior Accessory Dwelling Units (“JADU”). The information provided in the FAQs is intended to enhance public access and understanding of laws, regulations and compliance information as they relate to ADUs and JADUs. The FAQs are updated on a regular basis, but should not be considered a substitute for the appropriate official documents (i.e. ordinance and/or administrative rules). These FAQs are not to be considered complete and do not relieve any person from complying with applicable laws and regulations.

General Information.

What is an Accessory Dwelling Unit (“ADU”)?

An ADU is defined in the Los Angeles Municipal Code (“LAMC”) Section 12.03 as follows: An attached or 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 lot as the single-family or multifamily dwelling is or will be situated. ADUs include efficiency units as defined in Section 17958.1 of the Health and Safety Code, manufactured homes as defined in Section 18007 of the Health and Safety Code, and Movable Tiny Houses.

What is a Junior Accessory Dwelling Unit (“JADU”)?

A JADU is defined in the LAMC Section 12.03 as follows: A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior Accessory Dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Is there any specific ordinance which can provide information on ADU/JADU?

Yes, the City of Los Angeles approved ordinance # 186,481 which codified the ADUs/JADUs related information in the LAMC Section 12.22.A.33. You may also refer to the State of California Government Code Sections 65852.2 and 65852.22.

Los Angeles Housing Code.

Do the provisions of the Los Angeles Housing Code apply to a property with an ADU/JADU?

The Los Angeles Housing Code (Article I, Chapter XVI of the LAMC) apply to all residential rental properties with two or more units and where one or more of these units are rented or offered for rent. If you have added an ADU/JADU on a lot with an existing unit, the property would come within the scope of the Los Angeles Housing Code. For more information visit <https://tinyurl.com/c8yzswcv>



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Can I exempt my property with an ADU/JADU from the Los Angeles Housing Code?

Yes, you can exempt your property with an ADU/JADU from the Los Angeles Housing Code by filing appropriate exemption form with HCID. For more information visit <https://tinyurl.com/4vr8a2jh>

Will my property with an ADU/JADU be subject to any inspections?

Yes, if the property with an ADU/JADU is within the scope of the Los Angeles Housing Code (see above). Under the Los Angeles Housing Code, there are two types of inspections – Systematic Code Enforcement Program (“SCEP”) (aka periodic inspections) and Complaint-based inspections. SCEP inspections are conducted generally once every four years. Complaint-based inspections are conducted upon HCID receiving a complaint. The purpose of SCEP and the Complaint inspection is to verify compliance with the standards set forth in the applicable codes. The SCEP and Complaint inspection programs maintain the quality of life and safety of residents occupying residential rental units of the City.

Do I have to pay fees if my property with an ADU/JADU is subject to inspection under the Los Angeles Housing code?

Yes. If your property with an ADU/JADU is subject to inspection under the Los Angeles Housing Code, you will have to pay the annual SCEP fee and other inspection and enforcement related fees, as applicable. The current SCEP fee is \$43.32 per unit per year. For more information visit <https://tinyurl.com/urrkb8pn>

What happens if my property with an ADU/JADU fails an inspection conducted under the Los Angeles Housing Code?

If your property with an ADU/JADU does not pass an inspection, the inspector will issue an order which will list all violations. Generally, HCID provides 30 days to comply with an order. In some cases, an inspector may grant an extension of time. However, if the violations have not been corrected by the compliance period specified on the order or any extension thereafter, the case is forwarded for enforcement.

Rent Stabilization Ordinance.

Do the provisions of the Rent Stabilization Ordinance (“RSO”) apply to a property with an ADU/JADU?

Generally, the RSO (Article I, Chapter XV of the LAMC) applies to all residential units offered for rent in the City of Los Angeles which were built on or before October 1, 1978, unless there is only one Single Family Dwelling on the parcel. If an ADU/JADU (Junior Accessory Dwelling



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Unit) is added to a parcel with an existing residential structure, the ADU/JADU and/or the existing structure, may be subject to the RSO depending on when the existing structure at the property was built.

Scenario 1: ADU/JADU detached from original structure. If the ADU/JADU is completely detached from the original Pre-1978 Single Family Dwelling (SFD) structure, then the ADU/JADU is generally not subject to the RSO, but the SFD is subject to the RSO because of the construction of a second unit on the same parcel. However, the ADU/JADU could be subject to the RSO if LAMC Section 151.28 applies, regarding replacement units under the Ellis Act (California Gov't Code Sections 7060 et seq.).

Scenario 2: ADU/JADU attached to original structure. If the ADU/JADU is attached to the Pre-1978 SFD structure, then both structures are subject to the RSO. In this instance, California Civil Code 1954.52(a)(1), aka the Costa Hawkins Act, would apply. The Costa Hawkins Act allows residential property owners to establish the initial and all subsequent rental rates for a dwelling or a unit that was issued a Certificate of Occupancy after February 1, 1995. As a result, the rent increase protections of the RSO do not apply. All other protections of the RSO remain in force, which include registration of rental units and eviction protections.

Scenario 3: If the ADU/JADU is converted from a portion (whether habitable or not) of the Pre-1978 SFD structure, then both are fully subject to the RSO.

Do I have to pay fees if my property with an ADU/JADU is subject to the RSO?

Yes. If your property with an ADU/JADU is subject to the RSO, you will have to pay the annual RSO registration fee. The current RSO registration fee is \$38.75 per unit per year. For more information visit <https://tinyurl.com/urrkb8pn>

Can I exempt my property with an ADU/JADU from the RSO?

Rental units subject to the RSO may receive a temporary, one-year exemption from registration and SCEP fees if the units are: 1) occupied by the landlord, family members and/or where no rents are collected; or 2) held vacant for a year or longer with the units secured and the exemption is recorded against the title. Temporary exemptions requests must be submitted on a yearly basis. The renewal of temporary exemptions is due by January 31 of each year as part of the annual registration process. Additional information is available online www.hcidlabill.org

Can I do Home-Sharing (aka Short-Term Rental) in my ADU/JADU?

That depends on whether the ADU/JADU is subject to the RSO. Home-sharing is not allowed in units subject to the RSO.



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What does the RSO require when a parking space is removed from a tenant in order to build an ADU/JADU?

The RSO requires a reduction in rent when a housing service provided at the inception of tenancy is removed. Landlords who reduce housing services without a corresponding reduction in rent effectuate an increase in rent in violation of the RSO. When a tenant has suffered a reduction of services that are severable and specific to that tenant (i.e. loss of parking space, loss of storage, etc.), the corresponding reduction of rent may be calculated based on the reasonable replacement cost. Landlords can be proactive and issue the reduction at the time of removal of the parking. Any change to terms of tenancy requires a written notice in compliance with state law. For additional information, please see the Rent Adjustment Commission Regulations Section 410 at <https://tinyurl.com/yw2xxr7s> or call the HCIDLA general hotline at (866) 557-7368.

Who should I contact if I have any additional questions not covered here?

For additional information, please visit us at <https://hcidla.lacity.org/>

If you have any additional questions regarding the Rent Stabilization Ordinance (“RSO”) status, please contact the **RSO Determinations Unit at (213) 928-9097**. If you have any additional questions regarding the Systematic Code Enforcement Program (“SCEP”), please contact **SCEP Unit at (213) 808-8527**.