

AMENDED IN SENATE MAY 13, 2025
AMENDED IN ASSEMBLY FEBRUARY 27, 2025
CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 462

**Introduced by Assembly Members Lowenthal and Rivas
(Coauthor: Assembly Member Wicks)**

February 6, 2025

An act to amend ~~Section~~ *Sections 66328 and 66329* of the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 462, as amended, Lowenthal. Land use: ~~coastal development permits~~; accessory dwelling units.

Existing law provides for the creation by local ordinance, or by ministerial approval if a local agency has not adopted an ordinance, of accessory dwelling units in areas zoned for single-family or multifamily dwelling residential use in accordance with specified standards and conditions. *The Existing law prohibits a local agency from issuing a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.*

This bill, notwithstanding that prohibition, would require a local agency to issue a certificate of occupancy for an accessory dwelling unit constructed in a county that is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025, even if the primary dwelling has not yet been issued a certificate of occupancy, if certain requirements are met, including that the primary dwelling was substantially damaged or destroyed by an event referenced

in the state of emergency proclamation. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The California Coastal Act of 1976, which is administered by the California Coastal Commission, requires any person wishing to perform or undertake any development in the coastal zone, as defined, to obtain a coastal development permit from a local government or the commission, except as provided. Existing law specifies that the above-described provisions laws governing accessory dwelling units do not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976, except as specified.

This bill would exempt the construction of an accessory dwelling unit located within the County of Los Angeles, and in any county that is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025, ~~as provided, if housing is damaged, destroyed, or otherwise made uninhabitable by the state of emergency,~~ from the need to obtain a coastal development permit, ~~as specified.~~ permit if specified requirements are met, including that the accessory dwelling unit be set back at least 10 feet from a canyon bluff or at least 25 feet from a coastal bluff.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

*Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.*

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

1 *SECTION 1. Section 66328 of the Government Code is*
2 *amended to read:*

1 66328. (a) A local agency shall not issue a certificate of
2 occupancy for an accessory dwelling unit before the local agency
3 issues a certificate of occupancy for the primary dwelling.

4 (b) *Notwithstanding subdivision (a), a local agency shall issue*
5 *a certificate of occupancy for an accessory dwelling unit*
6 *constructed in a county that is subject to a proclamation of a state*
7 *of emergency made by the Governor on or after February 1, 2025,*
8 *if both of the following requirements are met, even if the primary*
9 *dwelling has not yet been issued a certificate of occupancy:*

10 (1) *The primary dwelling was substantially damaged or*
11 *destroyed by an event referenced in the state of emergency*
12 *proclamation issued by the Governor.*

13 (2) *The accessory dwelling unit has been issued construction*
14 *permits and has passed all required inspections.*

15 (c) *Subdivision (b) does not apply to an accessory dwelling unit*
16 *attached to the primary dwelling.*

17 **SECTION 1.**

18 **SEC. 2.** Section 66329 of the Government Code is amended
19 to read:

20 66329. (a) Construction of an accessory dwelling unit within
21 either of the following ~~locations~~ *locations, and that meets the*
22 *requirements of subdivision (b), shall be exempt from the*
23 *requirement to obtain a coastal development permit pursuant to*
24 *subdivision (a) of Section 30600 of the Public Resources Code:*

25 (1) *The County of Los Angeles.*

26 (2) *Any county that is subject to a Governor's proclamation of*
27 *a state of emergency made by the Governor on or after February*
28 *1, 2025, if housing is damaged, destroyed, or otherwise made*
29 *uninhabitable by the event that resulted in a state of emergency*
30 *proclamation in that county. This exemption shall continue to apply*
31 *even after the state of emergency proclamation has expired.*

32 (b) *In order to qualify for the exemption pursuant to subdivision*
33 *(a), an accessory dwelling unit shall comply with both of the*
34 *following requirements, in addition to the requirements established*
35 *or authorized by this chapter:*

36 (1) *The accessory dwelling unit shall be set back at least 10 feet*
37 *from a canyon bluff or at least 25 feet from a coastal bluff.*

38 (2) *The accessory dwelling unit shall not encroach on a public*
39 *access easement or public access deed restriction, except for an*
40 *easement or deed restriction on the seaward side of a primary*

1 *dwelling on the beach, and only to the extent that the accessory*
2 *dwelling unit does not expand farther into a previously approved*
3 *public view corridor, farther into an open space deed restriction,*
4 *or farther seaward on the beach, than the primary dwelling, or,*
5 *if the primary dwelling was damaged, destroyed, or otherwise*
6 *made uninhabitable by the event that resulted in the state of*
7 *emergency proclamation as described in paragraph (2) of*
8 *subdivision (a), the primary dwelling as it existed immediately*
9 *before the state of emergency.*

10 ~~(b)~~
11 (c) Except as provided in ~~subdivision (a)~~, subdivisions (a) and
12 (b), nothing in this article shall be construed to supersede or in any
13 way alter or lessen the effect or application of the California
14 Coastal Act of 1976 (Division 20 (commencing with Section
15 30000) of the Public Resources Code), except that the local
16 government shall not be required to hold public hearings for coastal
17 development permit applications for accessory dwelling units.

18 ~~SEC. 2.~~

19 SEC. 3. The Legislature finds and declares that a special statute
20 is necessary and that a general statute cannot be made applicable
21 within the meaning of Section 16 of Article IV of the California
22 Constitution because of the devastating effect of the wildfires in
23 the County of Los Angeles.

24 ~~SEC. 3.~~

25 SEC. 4. The Legislature finds and declares all of the following:
26 (a) The state faces a housing crisis of availability and
27 affordability, in large part due to a severe shortage of housing.

28 (b) Solving the housing crisis therefore requires a multifaceted,
29 statewide approach which will include, but is not limited to, any
30 or some of the following:

- 31 (1) Encouraging an increase in the overall supply of housing.
32 (2) Encouraging the development of housing that is affordable
33 to households at all income levels.
34 (3) Removing barriers to housing production.
35 (4) Expanding the availability of rental housing.

36 Therefore, addressing the housing crisis and the severe shortage
37 of housing is a matter of statewide concern and is not a municipal
38 affair as that term is used in Section 5 of Article XI of the
39 California Constitution. Therefore, ~~Section 1~~ Sections 1 and 2 of
40 this act amending ~~Section~~ Sections 66328 and 66329 of the

Government Code ~~applies~~ *apply* to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

~~SEC. 4.~~

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to avert economic and social harm as a result of natural disasters and the severe lack of affordable housing in the County of Los Angeles and the state, it is necessary for this act to take effect immediately.