CITY OF SAN MATEO
COMMUNITY DEVELOPMENT DEPARTMENT

330 W. 20th Avenue
San Mateo, CA 94403
www.cityofsanmateo.org

AB 2533 - Property Owner Guidance for Obtaining Permits for Unpermitted ADU/JADU

Background

This handout provides guidance for property owners who want to obtain permits for Accessory Dwelling Units (ADUs) and/or Junior Accessory Dwelling Units (JADUs) that were built without permits before January 1, 2020. The information in this handout reflects amendments to California ADU and JADU law that went into effect on January 1, 2025.

In accordance with California Government Code Section 66332, the City of San Mateo will not deny a permit for an unpermitted ADU/JADU built before 2020 solely because it does not meet building standards or state or local standards for ADUs/JADUs. However, this permitting process does not apply to buildings deemed "substandard" pursuant to Section 17920.3 of the Health and Safety Code. Thus, the City of San Mateo may deny a permit if the ADU/JADU does not meet the standards specified in Section 17920.3 of the Health and Safety Code, which lists substandard building conditions.

Construction Date Documentation

The following documentation is required by the city to verify that the ADU or JADU was constructed/converted before January 1, 2020:

1. Owner must provide a signed affidavit that attests the unit was built before January 1, 2020.
2. Include supporting documentation to show that the unit was built before January 1, 2020. Examples could include (but are not limited to) the following:
    a. Timestamped Photos of the unit
    b. Receipts from construction of the unit
    c. Utility bills
    d. Manufacturer's details on fixture or appliances
    e. Assessor Records or Real Estate Documentation

Inspecting the ADU/JADU

Property owners applying for a permit for an unpermitted ADU or JADU under AB2533 are advised that upon receipt of an application for a permit for the unit, City of San Mateo Community Development Department will inspect the unit for compliance with Health and Safety Standards. Prior to submitting a permit application, the property owner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit. The City's AB2533 Inspection Checklist lists the detailed Health and Safety requirements that the City and/or third-party licensed contractor will inspect.

Health and Safety Standards

The City of San Mateo Community Development Department may deny a permit for an unpermitted ADU or JADU constructed before January 1, 2020 if the ADU/JADU does not meet the standards specified in Health and Safety Code Section 17920.3, which lists substandard building conditions. If the ADU or JADU is found to be substandard, permits may be required for correction to ensure the unit meets minimum Health and Safety standards.

These standards generally include, but are not limited to:

- Sanitation facilities including a working bathtub/shower, kitchen sink, hot and cold running water, toilet and connection to a sewage system.
- Electrical, heating/ventilation and plumbing systems that work and have been maintained in a good and safe condition.
- Livable conditions without mold or infestations of insects or rodents.
- Adequate exit facilities.

These standards also require that certain conditions, if present, would need to be corrected; these conditions generally include, but are not limited to:

- Deteriorated walls, windows, doors, ceilings, roofs, floors, foundations, chimneys or other structural elements.
- Electrical, mechanical or plumbing systems that do not conform with applicable laws and regulations in effect at the time of their installation.
- Improper construction, materials or structural hazards.
- Fire or other hazards.

Applicants cannot be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with health and safety standards.