Hello,

This evening, the planning commission will be discussing state ADU law changes (agenda item 9.1). I am trying to understand what the new laws require of HOAs related to allowing or requiring ADUs (especially junior ADUs).

Specifically, My question is whether AB 670 requires an HOA to permit a jADU in a single family home, or if the HOAs still have discretion to deny it. The law says an HOA can't have CC&Rs that restrict jADUs, but it's not clear to me if that means ADUs are now by right to the point where an HOA could be successfully sued if it denied an application on the basis of parking or some other "reasonable restriction" that may not generally prohibit ADUs but could on a case by case basis.

What recourse does a homeowner have to apply for an ADU that an HOA doesn’t want, even if the HOA hasn’t explicitly restricted ADUs in their CC&Rs?

Thanks,
Rafa