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Marin County ADU Amnesty Program Summary

Overview Approach and Results. The Marin County ADU Amnesty Program was in place for a total of 2 years. After a first year, the program was extended. The program offered incentives for property owner/applicants to register existing, unpermitted ADU's by demonstrating safe and habitable dwelling conditions. Eligible unpermitted ADU's were allowed to comply with the more relaxed requirements of the ADU Amnesty Program (Uniform Housing Code) rather than the requirements for new ADU's under the California Building Standards Code.

1. **Program Objectives.** The ADU Amnesty Permit process was intended to encourage the legalization of existing residential ADU's that were not built or established with proper permits. The purpose of this effort was to:
 - a. Ensure that existing ADU's are safe and habitable;
 - b. Implement the Countywide Plan's Housing Element, including Policy H3.28 and Program H3.Z;
 - c. Assist in meeting the County's housing needs by increasing the stock of legal and affordable housing; and,
 - d. Encourage the development and permitting of ADU's by reducing ADU amnesty fees for the duration of the ADU Amnesty Program.
2. **Results.** 50 illegal ADU's were legalized the first year of the program.
3. **Cutoff Date.** Unpermitted ADU's in existence prior to June 3, 2003 were eligible to apply for an ADU Amnesty Permit provided the unit met all ADU Amnesty Permit requirements. June 3, 2003 was the date the County's Housing Element was adopted (the Housing Element contained a program to legalize unpermitted ADU's).

Specific Components of Marin County's Approach

1. **Marketing.** In addition to regular outreach activities, County staff conducted two informational workshops in the eastern and western (coastal) areas of Marin County for technical assistance.

2. **Basic (Reduced) Building Standards.** Marin County required satisfactory completion of an ADU Housing Inspection by a Building & Safety Division Inspector. Chief Building and Safety Official could make interpretations of the Housing Code consistent with the Code's intent and purpose. Building or electrical work compliance required a Building Permit.
3. **Other Standards And Requirements.** Marin County's ADU amnesty program established additional requirements covering the following: (a) Fire Safety Standards; (b) Fire Safety (Water); (c) Potable Water; (d) Sewage Disposal; and, (e) Onsite Wastewater.
4. **Reduced Planning Requirements.** Zoning and development standard non-conformities were permitted to remain for units, except for parking (exceptions allowed), flood standards and application of streamside conservation and wetlands policies.
5. **Simplified Process.** Checklist application for applicants and ministerial action by the Community Development Agency Director. Contact with local fire department for a property inspection to identify minimum safety requirements and fees and contact with local water district and sewer district to acknowledge service requirements and applicable fees.
6. **Financial Incentives.** A 50% reduction of all associated Community Development Agency permit fees, and Public Works fees. Marin County also allowed new ADU permits to receive a 50% reduction in County fees.

Unique Aspects of Marin County's Approach

1. Dedicated staff
2. Code enforcement "firewall" unless there is a clear and imminent danger to public and/or environmental health.
3. Becomes nonconforming use
4. Unit size of 220 -750 square feet of floor area, with exceptions up to 1,000 square feet of floor area.
5. Documentation of In-Service Date
6. Applied to all single-family and multifamily residential zoning districts, although superseded or altered Coastal Zone permit requirements.