

# CITY OF MILPITAS

Office of Building Safety  
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Milpitas, CA 95035  
408-586-3240  
[www.milpitas.gov](http://www.milpitas.gov)



## SAFE ADU LEGALIZATION PROGRAM

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The Safe ADU Legalization Program is offered to help and encourage residents to legalize and improve the safety of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) by converting a garage, other rooms or existing structures, or building a new ADU structure without obtaining permits.

### **Why should I legalize my unit?**

- Reduce possible unknown risks to occupants - By not having a permit and inspections for the living unit that will provide a level of assurance for life safety, your tenants may be at risk.
- Reduce liability - In the event of a property loss or damage due to an event such as a fire or an earthquake, your insurance will not cover damages to unpermitted construction or illegal conversions of space to living units.
- Increase in property value - Without legalizing the unit, it will not count as part of the improvements when you get an appraisal for refinance or sale of the property.
- Ease of mind - without concern for sanctions due to illegal construction activities, legalizing the unit will eliminate worries about liabilities or a code enforcement action against you.
- Added legitimacy when finding tenants – prospective tenants' due diligence when researching your rental unit's status with the City can be documented as legally constructed / approved.
- Fee waivers - The typical inspection investigation fees for illegal construction and conversions will be waived.

### **Program eligibility qualifications**

- The program applies to one and two-family properties only.
- The conversion / addition is not currently under a building permit or an active code enforcement case to legalize the unit.

### **Still interested?**

If you are interested in the program, there is no obligation to you or a requirement to provide your name, address, or other identifying information to complete these first two steps. See further information in Step 2 to decide to proceed to Step 3.

## **The following is the roadmap to Safe ADU Legalization:**

**Step 1** - Fill out the [\*Safe ADU Legalization Program Self-Assessment Checklist\*](#) to find answers to most questions that will help you to assess if the program will work for you. Please note that you should consult with qualified reliable sources in determining the costs of necessary improvements to legalize the unit.

**Step 2 - Consultation with the Safe ADU Legalization Program Coordinator.** To help assist the coordinator to give you the best possible answers to your questions, please have the checklist completed before contacting the coordinator. You will not be asked for your name or address until you are ready to proceed with Step 3, scheduling the required initial courtesy inspection by the Office of Building Safety and Planning Department. If you agree to proceed to Step 3 and schedule an inspection, then the coordinator will request that you forward a copy of your checklist along with the property address, your name and contact information.

**Step 3 – Initial Courtesy Inspection (no fee).** This inspection will include examination of the converted space, photographic documentation, and write-up of a detailed discrepancy report. A copy of his report will be made available to you.

**PLEASE NOTE! Upon scheduling of the inspection, you are obligated to correct any discrepancies deemed by the inspector to be violations to health and safety codes in a timely manner, as indicated by State Law. You are also obligated to legalize the unit, but if you wish to apply to the City for a five-year delay of enforcement of non-health and safety code related violations, click on [\*ADU Code Compliance Delay Request\*](#) form.** The delay allows you to have five years to complete the non-health, life safety violations before being subject to enforcement to complete the legalization process. You may, however, elect to go forward with work to fix all violations together at the same time.

**Step 4 – Hire a Design Professional.** This person will prepare your construction plans for a building permit application. The plans should be prepared following instructions in [\*Legalization of Unpermitted Accessory Dwelling Units \(ADU\)\*](#). The plans are to be submitted through the [\*Online Submittal System\*](#). Upon approval through the plan review process, a building permit will be issued.

**Step 5 – Obtain Permit, Start Work, Request Inspections.** Once you have obtained permit approval and received your permit, you can proceed with the work as given under the permit. Your contractor and designer should review how to request inspections, review, and comply with County Health directives for COVID-19 and access links to other departments that may be needed for the project:

- [\*Permit Center and Inspection Services Information\*](#)

## **CONGRATULATIONS!**

You are on your way to peace of mind knowing that your unit will be safe and legal!

For questions regarding the Safe ADU Legalization Program, contact the Program Coordinator:

Email: [SafeADU@milpitas.gov](mailto:SafeADU@milpitas.gov)      Phone: (408) 586-3220