

CITY OF MILPITAS

Office of Building Safety
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Milpitas, CA 95035
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SAFE ADU LEGALIZATION PROGRAM SELF- ASSESSMENT CHECKLIST

This checklist will help you explore the Safe ADU Legalization Program, which is intended to help you legalize a living unit that has not had the benefit of a permit and inspections.

Benefits to you and reasons to be interested in the program

- Reducing possible unknown risks to occupants
- Increased property values through legalization of the unit
- Better homeowner insurance coverage in the event of a property loss
- Ease of mind without concern for sanctions due to illegal construction activities
- Added legitimacy when finding tenants
- Waiver of inspection investigation fee for illegal construction and conversion to ADU or JADU.

Who sees this checklist?

This checklist is for you. It is not seen by anyone else, but if you decide to proceed with the program, the Program Coordinator will obtain the information regarding the unit from you.

UNDERSTANDING THE PROGRAM

To understand how the Safe ADU Legalization Program works, please read the following carefully.

- **Eligibility conversation** - After completing the self-assessment checklist and reviewing the [Legalization of Unpermitted Accessory Dwelling Units \(ADU\)](#) form, call the Program Coordinator at 408-586-3263 so you can ask questions and get a better understanding of what your project might entail and what eligibility qualifications may apply. When you call, please state that you are calling regarding the Safe ADU Legalization Program. There are no obligations with this call. You will not be asked for your name or address unless you are ready to [schedule an initial inspection](#).
- **By scheduling the initial inspection, what would I be committing to?** Once you schedule the initial inspection with the City, you are obligated to take the actions necessary to legalize your unit. This inspection is a no-fee “courtesy” inspection. You will be given a copy of the inspection results from the inspector. For Section 2 (health and safety) items below, you must correct violations as soon as possible. For Section 3 items below, you may proceed with getting your permit OR you may apply for a five-year delay of enforcement.

- **5-year delay of enforcement** - State law allows you to apply for a 5-year delay of enforcement window on identified non-life / health safety items by completing and submitting to the City the [ADU Code Compliance Delay Request](#) form. This form would allow five years to complete the legalization process by having items listed in Section 3 and those documented by the City inspector during the initial courtesy inspection, to be completed, inspected, and approved. Keep in mind that you cannot delay the completion, inspection and approval of the items listed in Section 2 and as documented by the City inspector during the initial inspection.
- **Cost estimates** – It is highly recommended that you obtain quotes from experienced, licensed contractors to help you understand the costs of the necessary improvements to legalize your ADU. Without this information, you may be very surprised when quotes are given later which may put you in a difficult position.

SECTION 1. THE UNIT TO BE LEGALIZED

Please complete the items below.

State law allows a single-family home to have one *detached* ADU and one junior ADU (JADU). A combination of an *attached* ADU and a JADU is not allowed.

1. Total square feet (sf) of ADU or JADU _____

NOTE: For total square footage add the square footage of all areas in the unit connected by a door or other opening, including bathrooms and closets.

2. Year ADU was built or converted _____

NOTE: If constructed prior to January 1, 2020 refer to [AB2533 Fact Sheet](#) for additional information.

3. Year home was built _____

Type of unit – check the one that applies

- Attached Garage Conversion - An attached garage was converted to a living unit.
- Detached Unit Construction - A living unit was constructed separate from the main home.
- Detached Conversion - A detached garage or other structure was converted to a living unit.
- Interior Room Conversion - A room or rooms within the main home converted to a living unit.

SECTION 2. BASIC HEALTH & SAFETY REQUIREMENTS

You will be required to comply with [California Health & Safety Code Section 17920.3](#) and [Title II of the Milpitas Municipal Code](#) to ensure the ADU is not a substandard building.

If the City inspector observes basic health and safety hazards such as those listed in Section 2, you must fix such items as soon as possible. For immediate life-threatening hazards such as a gas-fired tank-type water heater in a converted garage, you may be obligated to move the occupants into other premises until the hazard is eliminated.

Instructions:

For each question, a “No” answer indicates that a remediation, repair, or a degree of reconstruction is needed. You can obtain costs for this work by obtaining estimates from licensed contractors.

QUESTIONS	YES	NO	Not Sure
1. Is the unit free of significant structural damage or defects due to deterioration, such as tilting walls or sagging roofs that present hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the unit have a foundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the unit free of sewer gas smells?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the unit free of exposed electrical wiring?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Does the electrical panel serving the unit have adequate capacity with appropriate fuses or circuit breakers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Are rooms used for sleeping free of a gas furnace, water heater, stove or other gas appliance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Is there a smoke detector in the unit and in each sleeping area or room?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Is there a carbon monoxide detector in the unit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Is there a direct exit from the unit to the outside?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Are the roof, walls, and floors free of holes and any leaks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Is there a second means of egress from sleeping areas or rooms?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Is the unit free of vermin or roach infestation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Is the unit free of mold growth?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 3. REQUIREMENTS TO GET A BUILDING PERMIT

The questions below do not represent all the codes and issues that may apply to your unit. These are only examples of common issues. The initial inspection will result in a detailed report of the work needed to get a building permit. See the [Legalization of Unpermitted Accessory Dwelling Units \(ADU\)](#) form for detailed steps and requirements for the necessary submittals.

QUESTIONS	YES	NO	Not Sure
1. Is the ceiling at least 7'6" or at least 6'8" in bathrooms and closets?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is there a toilet, or for a JADU, is there access to a toilet?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is there a shower or tub with hot and cold water or access to the main home bathroom if unit is a JADU?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is there an exhaust fan to vent the bathroom?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Does the unit have its own heating system with a thermostat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Does the unit have facilities for cooking and a kitchen sink? (Sink not required for JADU)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Does the unit have a hinged exterior door that is at least 3' wide and 6'8" high?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Are there working electrical outlets and light switches in all rooms?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the occupant have access to the circuit breakers for the ADU without entering the main house?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

QUESTIONS?

Contact the Program Coordinator:

Email: SafeADU@milpitas.gov **Phone:** (408) 586-3263