

# ASSESSING THE **UNTAPPED HOUSING** CAPACITY IN LA COUNTY RESIDENTIAL NEIGHBORHOODS

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## EXECUTIVE SUMMARY

To address the ongoing housing crisis, the California State Government and local governments have passed legislation to encourage housing production. In recent years, there has been numerous legislation specifically aiming to streamline the construction and use of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). ADUs and JADUs are an “untapped” source of affordable housing that can be constructed alongside existing dwellings and do not require costly land acquisition.

Although public zoning restrictions have been loosened and there are still many lots with ADU and JADU development potential, a large number of residential lots are located within Homeowner Association (HOA) jurisdiction. Most of the newly constructed units and a quarter of the existing housing in California are within HOA jurisdiction. Additionally, around 55,000 HOAs are representing over three million units and 6 million residents, and this number is rapidly increasing. Although the new State Assembly Bill 670 prevents HOAs from outright banning the construction of ADUs in single-family zoning districts, HOAs may still prohibit the “use” of ADUs and “construction” of JADUs in single-family zoning districts through “reasonable” restrictions.

California Civil Code, Section 475:

*(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.*

*(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, “reasonable restrictions” means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code (ADU California State Assembly Bill 670; California Civil Code § 4751.2).*

Therefore, although HOAs cannot override state law, HOAs may place “reasonable” restrictions on

ADUs and JADUs, which can cause homeowners difficulty in utilizing these state laws intended to encourage ADU development. These rules may place real and perceived constraints on the capacity of homeowners to adopt ADUs. While the motivation for restricting is unclear, the outcome could be an uneven deployment of a critical affordable housing resource. Therefore this research examines the extent to which HOAs in Los Angeles (LA) County are or may act as barriers to the construction and use of ADUs.

This report should be taken as one phase of this effort. The research discussed in this report explored whether LA County homeowners are even willing to adopt ADUs. An online survey was distributed to homeowners in the LA Metro region to answer this question. This survey's findings highlighted that more LA County homeowners would be willing to adopt ADUs and JADUs if there were more incentives. Incentives that homeowners listed as potential facilitators to add an ADU and JADU to their lot were financial incentives, shorter entitlements, and loosened zoning restrictions. Most homeowners identified cost as the most significant barrier to ADU adoption but also mentioned space availability, property value, neighborhood quality, and crime. More research is needed to evaluate if homeowner's concerns around protecting their property value and neighborhood quality are warranted, especially

cost-benefit analysis to better understand to what extent ADUs and JADUs are worth the investment for homeowners.

Importantly to this study, more homeowners living under HOA jurisdiction expressed willingness to adopt ADUs and JADUs on their lots than those located outside of an HOA. However, more homeowners living within an HOA felt that the HOA Directors or neighbors would disapprove of an ADU addition to their lot compared to homeowners not living in an HOA. This finding is in line with other studies that show that HOAs influence household decisions through formal rules, but also by cultivating informal social norms. More research is needed to disambiguate the relative influence of "formal" rules and "informal" norms.

Based on the research findings, it is recommended that LA County considers a financial assistance program, a costs/benefits education program, know your rights as a landlord/tenant program, a safety assurance, and further streamlining the permitting processes to facilitate ADU and JADU adoption by homeowners.

Furthermore, it is suggested that research on this topic is continued and invested in by the County in three areas. Investment in a spatial analysis of several HOA locations and ADU and

JADU potential. Another aspect of the research should analyze HOAs' Code, Covenants, and Restrictions (CC&Rs) document to identify any restrictive language that may be reasonably restricting ADU and JADU documents. Third, the County should consider investing in research around ADUs and JADUs impacts on the property value and neighborhood quality.

Lastly, it is recommended that LA County establishes a public database of all HOAs and their public documents. By creating transparency, more research can be readily completed about the language included in CC&Rs. Much of the suggested research was attempted during the duration of this research project. However, due to the lack of transparency, research, funding, and capacity, these other areas of study were not explored. If state and local municipalities make no attempts in these areas of recommendations, estimates of California's capacity to adopt alternative housing could potentially be inflated.

## INTRODUCTION

California State and local governments have passed legislation to encourage “naturally” affordable housing production through Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as a strategy to address

the ongoing housing crisis. An ADU is an attached or detached, secondary unit on your property that could include, for example, an apartment over a garage, a tiny house in the backyard, or a basement apartment, also known as an in-law or granny unit (Pfeiffer 2019). A JADU is an even smaller version of an ADU that can be no larger than 500 square-feet compared to ADUs that can be no larger than 1,500 square feet or 50% of the living area (CA Department of Department of Housing and Community Development 2020). Many of the eligible properties are in neighborhoods under the jurisdiction of a Homeowners Association (HOA). HOAs can serve as a barrier to more prolific construction and use of ADUs and other housing development through their Codes, Covenants, and Restrictions (CC&Rs). CC&Rs are a set of regulations established by HOAs (drawn up by individual communities) that govern dwellings and lots in a particular residential community and are publicly recorded with the county.

As many as 60 to 80 percent of newly constructed units in California have an HOA, in addition to approximately 25 percent of all existing housing (Clarke and Freedman 2019). Around 55,000 HOAs represent over three million units and 6 million residents, and this number is rapidly increasing (CA Association of HOAs). Although HOAs cannot override state law in many ways, HOAs may place “reasonable” restrictions on ADUs, which potentially



make it difficult for homeowners to utilize state laws encouraging voluntary adoption of ADUs. Because neighborhoods tend to be whiter and wealthier than other neighborhoods (Turner and Ibes 2011), CCR restrictions on ADUs may reinforce neighborhood-scale social inequity.

In theory, no CC&Rs can supersede local, state, or federal law. Some restrictive covenants, like Architecture and Landscape Guidelines (ALGs), are not publicly available. Private covenants mean that land use regulations may be hidden from the public (despite the statewide public interest in solving the housing crisis) by the publicly available document (i.e., CC&Rs) merely referring to a separate (private) document, e.g., ALGs.

Also, homeowners do not always know that HOAs cannot supersede statutory law. However, even if they know, homeowners may not have the resources to prevent HOAs from maximizing the authority afforded to HOAs in the state's Davis-Stirling Act; the Davis-Stirling Act is the name of the section of the California Civil Code that addresses HOAs. Informal norms around the act of HOAs not embracing the recent state laws encouraging ADU development in communities placing "reasonable restrictions" on ADU construction (and any "unreasonable" restrictions on ADU use) may be more influential and more critical determinants of resident's actions.

HOAs may be able to place additional restrictions and requirements on design, approvals, and construction. Although the new State Assembly Bill 670 prevents HOAs from outright banning the construction of ADUs in single-family zoning districts, HOAs may still prohibit the "use" of ADUs and "construction" of JADUs in single-family zoning districts through "reasonable" restrictions. Single-family zoning districts make up most of California zoning districts (Mawhorter and Reid 2018). Most of the newly constructed units and a quarter of the existing housing in California are within HOA jurisdiction. Additionally, around 55,000 HOAs are representing over three million units and 6 million residents, and this number is rapidly increasing.

For example, the new legislation Senate Bill 13, prohibits local municipalities- both city and county- from requiring owner-occupancy of the principal residence or the accessory home for five years. However, an HOA may (hypothetically) require owner-occupancy, if the HOA can justify that owner-occupancy is a "reasonable" restriction and does not outright ban the construction of an ADU. Thus, this may allow an HOA to indirectly ban the use of an ADU by virtue of their jurisdictional and legal status. Similarly, even though state law allows a maximum setback of four feet for an ADU, an HOA may (hypothetically) require more than four feet. If state law prevents local agencies from requiring replacement off-street vehicular parking

for garage conversions, HOAs may require them in multi-family zoning districts. If state law requires 60 days ministerial review, HOAs may prolong review timelines- or another layer of approval. HOAs may impose additional fees for water, sewer, roads, and other infrastructure, and increase monthly HOA dues by an unlimited amount when someone adds an ADU or JADU (e.g., to pay for maintenance of the pool, landscaping, administration).

## Scope of Work

This research looks to provide better information on the affordable housing capacity of existing residential neighborhoods under HOA jurisdiction to help address the ongoing housing crisis. The research questions for this report for this report are the following:

*1) How likely are Los Angeles (LA) County homeowners to construct and use ADUs?*

*2) Who is more likely to construct and use ADUs among LA County Homeowners, and does residing under HOA jurisdiction or non-HOA jurisdiction affect likelihood?*

*3) What are the major barriers/facilitators for LA County homeowners to construct and use ADUs?*

This research is part of a larger effort to examine how and to what extent HOAs in LA County may

act as barriers to either the construction or use of ADUs in single-family and multi-family zoning districts. This report includes a literature review of the history of the privatization of land use regulation. Furthermore, this report provides an analysis and recommendations to legislative and regulatory changes to streamline ADU review and approvals, including prefab, for more efficient creation of additional housing. This project aims to develop guidelines and a process for an amnesty program (legalizing existing ADUs) for local implementation, e.g., within HOAs.

The original scope of work and methods for this research was intended to be much larger. However, the lack of publicly available data in Los Angeles County and CA inhibits HOAs from being researched. This is alarming since the U.S. Census data reported that nearly two-thirds of the residences in CA are single-family homes and that between half and three-quarters of the developable land in much of the state is zoned for single-family housing only, based on responses from half the California's counties and cities (Mawhorter and Reid 2018).



# BACKGROUND

## California's Housing Crisis

To say that California is suffering from a housing crisis is an understatement. California needs to build approximately 3.5 million housing units by 2025 to satisfy both the demand for housing and California's growing population (Woetzel et al. 2016). In terms of affordable housing, California needs 1.4 million more affordable rental units despite the state's efforts - new laws and funding to boost construction (California Housing Partnership 2019). One of the critical factors (but not the only) exacerbating the housing crisis is that California has failed to meet its housing production needs (Legislative Analyst's Office 2019 and Mawhorter, 2019) (See Figure 1).

California home costs are about 2.5 times the national average (Legislative Analyst's Office 2019). Not only are home costs above the national average, but the average rent in California is about 50 percent higher than the nation's average (Legislative Analyst's Office 2019).

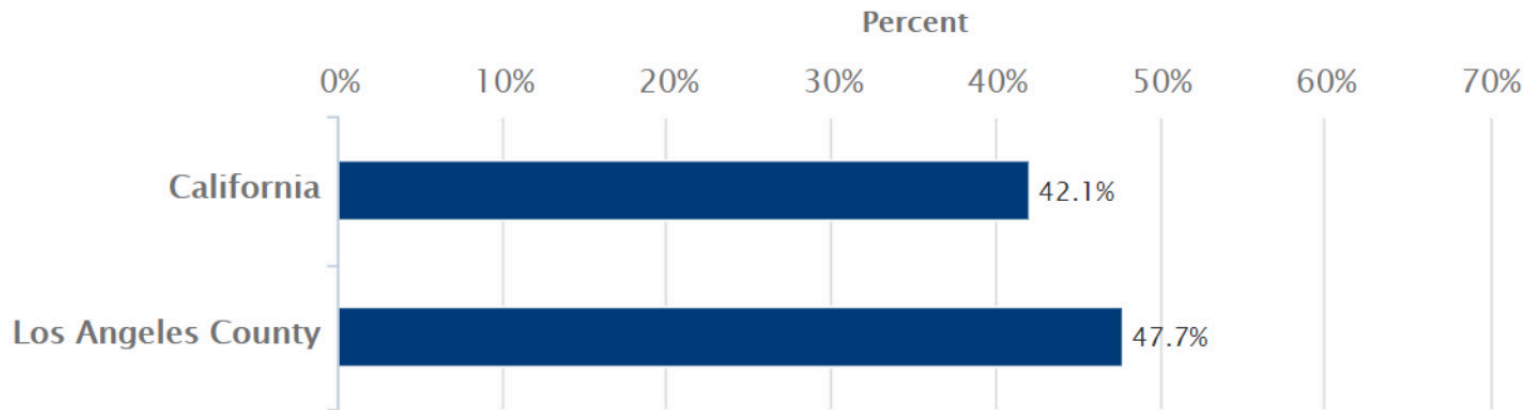
California failed to meet its residents' housing needs for several years, and the Great Recession exacerbated the housing crisis (Nichols et al. 2013). Household incomes are not increasing as fast as housing costs. In 2016, housing prices were already growing three times faster than household

incomes, with more than 50% of the Californian households unable to afford housing costs (Woetzel et al. 2016). As of January 2018, California had a total of about 130,000 individuals experiencing homelessness at a single point-in-time (United States Interagency Council on Homelessness 2018). Therefore, inadequate supply, increasing demand, rising prices, and stagnant household income leaves Californians struggling to afford housing costs.

In 1969, California state law acknowledged that local municipalities play an indispensable role in the development of affordable housing, and so the state-mandated that local governments plan for the housing needs of all households of all incomes. California called this state mandate the Regional Housing Needs Allocation (RHNA). RHNA determines the total number of new housing units needed in each local jurisdiction- and how affordable those homes need to be- to meet the housing needs of individuals at all income levels, and plan for the housing needs of all households of all incomes.

## Los Angeles County's Housing Context

Figure 2: High Housing Cost Burden in Households

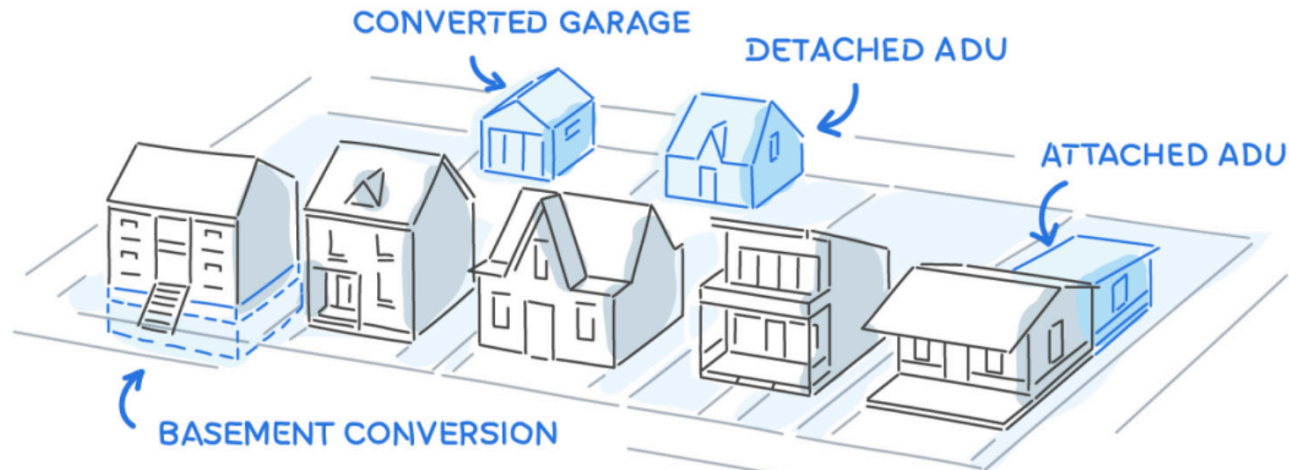


*Graph shows the estimated percentage of households that spend at least 30% of household income on rent or mortgage payments, taxes, insurance, utilities, and other related housing costs (ACS US Census, 2018).*

Arguably, Los Angeles County is suffering from an even greater housing crisis. According to the 2019 Homeless Count, Los Angeles County's population experiencing homelessness makes up about 59,000 of the 130,000 total individuals experiencing homelessness in the state (Los Angeles Homeless Services Authority 2019). Also, out of all the counties in California, Los Angeles County has the highest number of Homeowner Associations (HOAs) and is the most populous. Also, Los Angeles County has an estimated percentage of 47.7% of households that are spending at least 30% of their household income on rent or mortgage payments, taxes, insurance, utilities, and other housing related costs which is greater than the California average of 42.1% (See Figure 2).

## An Affordable Housing Option: ADUs

Figure 3: Variations of ADU Possibilities



The image shows different ways to add ADUs to a lot (Hausable).

An Accessory Dwelling Unit (ADU), also called secondary units, granny flats, in-law units, casita, etc., is a smaller housing unit than the primary residence(s) on a lot. They are (Pfeiffer 2019). ADUs can be newly constructed or garage and basement conversions (see Figure 3). Junior Accessory Dwelling Units (JADUs) is a subtype of ADU that is an even smaller living unit- up to 500 square feet- that are located entirely within a single-family residence, JADUs- unlike other ADUs- are allowed to have a shared bathroom in the home.

Although there is not one solution to the housing crisis, ADUs are a smart investment. Both JADUs and ADUs are a select housing type that can be built

on the same lots as existing homes regardless of the residential zoning- and so densifying typically low-density neighborhoods. One of the nation's most untapped housing resources is the underused space associated with single-family residences (O'Leary 2000). According to the McKinsey Global Institute, California was eligible to add up to 790,000 total housing units as a result of ADU development (Woetzel et al. 2016). Due to new state legislation that went into effect January 1, 2020, the total number of additional housing units allowed on a lot doubled since the new law allows both an ADU and JADU along with a primary residence all on one single lot.

## California State ADU Legislations

Table 1 : CA Legislations Effective January 1, 2020

ADU-Related Bills	Citation	Sponsor	About
Senate Bill 13	CA Government Code § 65852.2 , and Health and Safety Code § 17980.12	Senator Bob Wieckowski	Prohibits cities from requiring owner-occupancy on ADUs for five years.
Assembly Bill 68	CA Government Code § 65852.2 and § 65852.22	Assemblymember Phil Tang	Allows homeowners to build up to two ADUs by-right, where setbacks and other criteria in the zoning code are met.
Assembly Bill 587	CA Government Code § 65852.26	Assemblymember Laura Friedman	Permits ADUs to be sold or conveyed separately from a primary residence if certain conditions are met
Assembly Bill 670	CA Civil Code § 4751	Assemblymember Laura Friedman	Prevents Homeowner Associations (HOAs) from “unreasonably” restricting the construction and use of ADUs
Assembly Bill 671	CA Government Code § 65583 , and Health and Safety Code § 50504.5	Assemblymember Laura Friedman	Requires local governments to include a plan in its housing element that incentivizes and promotes the construction of ADUs and JADUs
Assembly Bill 881	CA Government Code § 65852.2	Assemblymember Richard Bloom	Reduces the fees homeowners can be charged for the construction and use of ADUs and JADUs by prohibiting local governments from charging impact fees on ADUs under 750 square feet.



ADUs and JADUs are frequently referred to as a form of affordable housing in legislation. For example, the current California State legislation states that ADUs provide a supply of lower-cost housing that satisfies the needs of existing and future residents within existing neighborhoods. (ADU Legislation; California Government Code § 65852.150.a.7). The same legislation also highlights that ADUs are an essential component (ADU Legislation; California Government Code § 65852.150.a.8).

Local, restrictive zoning codes are believed to be one of the most significant barriers that hinder ADU construction and use (Chapple et al. 2012). Therefore, California has passed various legislation to streamline the development and use of ADUs to tackle this barrier. While California has been passing legislation streamlining the construction and use of ADUs for years, California's 2020 housing laws further California's attempt to reduce the obstacles of ADU development, all of the bills that are discussed went into effect on January 1, 2020. The Assembly Bill (AB) that drastically changes the ADU and JADU potential in a neighborhood is AB 68. This bill allows homeowners to build up to two ADUs by-right, where setbacks and other criteria in the zoning code are met (ADU Legislation; California Government Code § 65852.2 and § 65852.22). This bill has been referred to as the bill that ended single-family zoning in California. Also, this bill further restricts additional zoning regulations

that can be imposed on ADUs and JADUs. Assembly Bill AB 881 also decreased the amount of time local governments have to approve new ADU and JADU units from 120 days to 60 days. Both bills AB 881 and Senate Bill 13 reduce the fees homeowners can be charged for the construction and use of ADUs and JADUs by prohibiting local governments from charging impact fees on ADUs under 750 square feet. Senate Bill 13 prohibits cities from requiring owner-occupancy on ADUs for five years (ADU Legislation; California Government Code § 65852.2; Health and Safety Code § 17980.12).

Assembly Bill 587 permits ADUs to be sold or conveyed separately from a primary residence if certain conditions are met (ADU Legislation; California Government Code § 65852.26). Prior law prohibited this for ADUs, and so, this bill is expected to increase the affordable housing organization's ability to sell deed-restricted ADUs to eligible low-income homeowners. Assembly Bill 671 requires local governments to include a plan in its housing element that incentivizes and promotes the construction of ADUs and JADUs. Specifically, a plan for the development of ADUs and JADUs that can be offered at an affordable rent for very low, low-, or moderate-income households (ADU Legislation; California Government Code § 65853; Health and Safety Code § 50504.5). The law also requires the California Department of Housing



and Community Development to develop a list of state grants and financial incentives for ADU development by the end of next year (ADU Legislation; California Government Code § 65853; Health and Safety Code § 50504.5).

The final bill regarding ADUs also went into effect on January 1, 2020, is Assembly Bill 670. This bill prevents Homeowner Associations (HOAs) from “unreasonably” restricting the construction and use of ADUs. AB 670 makes unlawful any HOA condition that “prohibits or unreasonably restricts” the construction of ADUs or JADUs on single-family residential lots. However, the bill does allow “reasonable” restrictions that do not “unreasonably” increase construction costs, effectively prohibiting the construction of an ADU or JADU (ADU Legislation; California Civil Code § 4751). The bill stays silent on multi-family lots, and whether its silence on “reasonable” restrictions of use is a loophole for HOAs. The next section and the literature review will go into detail about HOAs and their CC&Rs.

## **HOAs in California**

There are more than 50,000 Homeowner Associations (HOAs) statewide in California (California Homeowner Association 2014). HOAs are non-profit corporations, acknowledged under state law (the part of the California Civil Code that addresses HOAs is known as the Davis-Stirling Act), that provide a specified range of services to their members and enforce private land-use regulations. The developer creates them at the time the property is subdivided into building lots. All individuals who purchase one of those subdivided lots become members automatically. The only way to leave an HOA is by selling the unit.

All HOAs have an executive board of elected volunteers and have their own set of regulations known as Codes, Covenants, and Restrictions (CC&Rs). These CC&Rs restrict the types of construction and use that can occur within and adjacent to a member's home (McCabe and Tao 2006). Therefore, they act as a private government. These CC&Rs are publicly recorded with the Assessor Office, but there is currently no online database for the public to access them. HOAs are also governed by another set of documents called Architecture and Landscaping Guidelines (ALGs), but these are not publicly recorded (Turner and Stiller, 2019). Both CC&Rs and ALGs are legally binding, and cannot supersede local, state or federal law.

Restrictive local zoning codes are believed to be one of the most significant barriers to ADU construction and use (Chapple et al. 2012). However, it was not until this year that the state passed a bill that acknowledges HOAs enforce an extra layer of (private) land-use regulations. This bill can still be expanded, and so this research will explore to what extent HOAs can act as barriers to the construction and use of ADUs and JADUs as it was seen with zoning codes.

## LITERATURE REVIEW

### Introduction

No empirical study investigates the interaction between Homeowner Associations (HOAs), Accessory Dwelling Units (ADUs), and Junior Accessory Dwelling Units (JADUs). No study to date explicitly researches the role of HOAs' land use regulations known as Codes, Covenants, and Regulations (CC&Rs) on the construction and use of ADUs and JADUs. Yet, lawmakers recognize this challenge, as evidenced in recent legislative activity. In an attempt to tackle the state's housing crisis, the California State Government's land-use regulations have been rapidly changing with efforts to remove barriers and streamline the construction and use of ADUs and JADUs (California Department of Housing and Community Development 2019; Ramsey-Musolf 2018). There was even a recent passage of Assembly Bill 670

that acknowledges that HOAs may act as barriers to the construction and use of ADUs and JADUs through restrictive language in CC&Rs- although to what extent has not heavily been explored (ADU Legislation; California Civil Code § 4751.2). In the absence of research that specifically addresses the HOAs' land use regulations implication on the construction and use of ADUs and JADUs, this paper will turn to an analysis of the land use regulations and homeowners attitudes towards ADUs and JADUs, and HOAs impact to guide our empirical analysis of HOAs, ADUs, and JADUs in CA.

Studies have examined single-family residential neighborhood homeowners' attitudes about ADUs and JADUs. Antoninetti posits that the majority of the United States could not substantially increase the construction of legal Accessory Dwelling Units because residential areas characterized by single-family homes have often excluded secondary units (Ramsey-Musolf 2008). Specifically, homeowners' concerns revolve around the density Accessory Dwelling Units can add to the neighborhood. Critics of ADUs and JADUs argue that the increased density would harm the neighborhood's character and local services and infrastructure (Mukhija and Loukaitou-Sideris 2014; and Liebig et al. 2006). However, ADUs and JADUs - especially conversions- do not visually overwhelm the character of residential neighborhoods as they may go unnoticed by a neighbor since the exterior may be practically unaltered (Brown et

al. 2017). Although California State government has done its part in passing the bills to remove the barriers of zoning and streamline ADUs and JADUs, the privatization of land use by private forms of government like HOAs makes approval of nonconforming dwellings and construction of state permitted ADUs and JADUs difficult.

## **HOAs and the Privatization of Land Use**

Considering HOAs and the privatization of land use, studies have been written on the benefits and disadvantages of private governments. Most notably, Clarke and Friedman posit HOAs are highly valued in areas where public spending and local government capacity is limited (2019). Furthermore, these services provided by HOAs have the ability to lessen the burden for the public sector service provision (Cheung and Meltzer 2013). This idea of HOAs lessening the burden is consistent with others, who argued that the advent of private governments, like HOAs, typically results from the discontentment of the services offered by the public government (Helsey and Strange 1998). Also, not only do HOAs offer services and regulate land use but are also associated with high housing values (Cheung and Meltzer 2013). Specifically, HOAs engage in regulating homeowners' spatial practices (i.e. exterior paint job, landscaping, etc.) in pursuit to protect against the devaluation of neighborhood property, preventing all members

from partaking in land uses that are deemed undesirable- potentially devaluing the property and neighborhood (Fraser et al. 2016). Sometimes this spatial practice clashes with members' priorities because some may want to emphasize use-value, but that does not always line up with the value of the real estate (2016). Therefore, this is why HOAs operate because, through clauses in CC&Rs that determine appropriate uses of the property, HOAs can create the appearance of conformity and sameness between homeowners, which produces a specific neighborhood character that signifies affluence and so protects property value (2016). Mckenzie has argued that this homogeneity is achieved by turning the neighborhood into a "club" good, leading to developers attempting to capture a potential HOA member via homogeneous aesthetics and limiting changes/ diversity that could potentially undermine this "club" brand (Mckenzie 1994).

Through the pursuit of protecting neighborhood character and value, HOAs have a history of excluding and segregating due to prejudices against what they believe lowers their property values; these prejudices do not only include how homeowner members use the land, but who is the homeowner (Mckenzie 1994). Before the 1930s, when race restrictive covenants were outlawed by the Supreme Court of the United States, HOAs' CC&Rs played a role in it. Now, alternatives to race

restrictive covenants are being used. HOAs have shifted their restrictive regulations to aim to exclude lower social class through unreasonably low occupancy limits (i.e. only two people maximum for a two-bedroom unit) (Mckenzie 1994). One can argue that this explains HOAs' restrictive nature toward ADUs and JADUs, affordable housing options, in unaffordable neighborhoods.

It is important to note that due to the economic disparities between whites and people of color, these HOAs' restrictive covenants are arguably still segregated by race (1994). Specifically, several empirical research posits that HOAs perpetuate residential exclusion and segregation through HOAs control of access, privatization of amenities, and construction of borders in the pursuit of protection of property values and isolation from neighbors of racially or economically different backgrounds (McKenzie 1994; Blakely and Snyder 1997; Low 2003). Gordon posits that HOAs are more exclusionary than traditional suburbs (2004). However, HOAs' ability to achieve higher land value-through-whiteness-as-sameness- despite racial covenants being outlawed- has allowed them to be one of the most popular and fastest-growing housing options (McCabe and Tao 2006, and Meltzer 2013). Specifically, the national presence of HOAs in the United States increased from 500 in the 1960s to 347,000 in 2018 (Community Associations Institute 2018).

Mckenzie notes that local government even aided in the rise of HOAs as the formation of these associations were requirements at the time of new construction (Low 2003). Cheung and Meltzer posit that the rapid growth of HOAs suggests that homeowners either perceive a benefit from HOAs due to the local government failing to meet the demands of services or that it complements local government regulations (2013). As new housing is often clustered by tenure and price, and HOAs are characteristically attached to new development (Cheung 2009).

## **Conclusion**

To date, the empirical evidence on the relationship between HOAs, ADUs, and JADUs is close to nonexistent. This research aims to fill gaps in the analysis of to what extent HOAs act as barriers to the construction and use of ADUs and JADUs. Due to the lack of transparency around HOAs, and time and funding for this research, an analysis of the CC&Rs could not occur. However, it is suggested that research is conducted to analyze CC&Rs as they can better inform future state policy on "reasonable restrictions" allowed current state policy that prohibits the construction and use of ADUs and JADUs.

# RESEARCH METHODS

## Research Questions

While the California State Government, and local governments, in recent years have passed various pieces of legislation to encourage “naturally” affordable housing production through the construction and use of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), many eligible properties are located in neighborhoods under the jurisdiction of a Homeowners Association (HOA) that can serve as a barrier to more prolific construction and use of ADUs and other housing development. This research looks to provide better information and answer the following questions:

- 1) How likely are LA County homeowners to construct and use ADUs?
- 2) Who is more likely to construct and use ADUs among LA County Homeowners, and does residing under HOA jurisdiction or non-HOA jurisdiction affect likelihood?
- 3) What are the major barriers/facilitators for LA County homeowners to construct and use ADUs?

An online survey was conducted that was open to homeowners that identified as living in California to answer these questions. Then the study included

screening questions to identify homeowners residing in LA County. Due to a lack of empirical data on HOAs and ADUs, the research first sought to identify whether homeowners are even willing to adopt ADUs or JADUs on their residential lots. Also, an analysis was conducted to determine what LA County homeowners considered as the most significant barriers and facilitators for their interest in the construction and use of ADUs on their lot. Furthermore, the research included questions to determine whether the financial barriers were removed, and more homeowners would be interested in adopting ADUs and JADUs. Helping to close this funding gap is one-way Los Angeles County can help support ADUs and JADUs, but without removing the barrier, HOAs may incur on the construction, and use of ADUs and JADUs the State's efforts will miss the mark.



## Key Terms

### Units of Analysis

The primary entities researched in this study is Homeowners' survey responses.

### Study Area Selection

Los Angeles County in California was the geographic scope of this research since it is located it seeks to provide policy recommendations to California. Los Angeles County is the county with the most significant number of HOAs and the most populous county in California. Therefore, it seemed to be an excellent case study. Specifically, the research's focus was on neighborhoods located under Homeowner Association jurisdiction in Los Angeles County. This project's temporal scope was on ADU data within the last decade.

### Key Variables

Key variables related to a better understanding of HOAs their effect ADUs and JADUs in California policies fall into a few general areas: HOA locations, the restrictive language in CC&Rs, and current interest in ADUs and JADUs. Specifically, the research looked at the following key variables:

- Current interest in ADUs and JADUs from homeowners whose residences are under HOA jurisdiction.
- HOA locations in Los Angeles County.
- Restrictive language in CC&Rs that may deter

the construction and use of ADUs and JADUs.

Analyzing these variables better inform policies on how HOAs may act as barriers to the construction and use of ADUs and JADUs. This enabled the researcher to formulate the policy recommendations for California located at the end of this report.

### Key Terms

This research project includes a few key terms which in this research is defined as follows:

- **Accessory Dwelling Unit (ADU):** Refers to an attached or detached, secondary unit on your property that could include, for example, an apartment over a garage, a tiny house in the backyard, or a basement apartment, also known as an in-law or granny unit (Pfeiffer 2019).
- **Homeowner Association (HOA):** Refers to an organization in a subdivision, planned community or condominium, similar to a private government that makes and enforces rules for the properties and their residents (Clarke and Freedman 2019).
- **Codes, Covenants, and Restrictions (CC&Rs):** Refers to a set of regulations established by HOAs (drawn up by individual communities) that govern residences in a particular residential community and are publicly recorded with the county. In theory, no CC&Rs can supersede

local, state, or federal law.

- **Architecture and Landscaping Guidelines (ALGs):** Refers to additional rules and regulations established by HOAs that include community rules and aesthetics, not publicly recorded but legally binding.

### Define and Operationalize Key Construct

Several constructs are continually referenced within the research which is defined below.

- **Affordable Housing:** This research defines “‘naturally’ affordable housing” to be housing units that have and maintain rents below-market-rate, sometimes achieved through subsidies, that will not cause an individual to be house burdened (Garcia 2017).
- **“Naturally” Affordable Housing:** This research defines “‘naturally’ affordable housing” to be housing units that have and maintain rents below-market-rate without subsidy that will not cause an individual to be house burdened (2017).
- **Reasonable Restrictions:** This research defines “reasonable restrictions” as Assembly Bill 670 does in that they are regulations that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or eliminate the ability of construction and use of an ADU or JADU (ADU Legislation; California Civil Code § 4751).
- **Low-density Neighborhood:** This research defines “low-density neighborhoods” as a neighborhood zoned for single-family residential zoning.
- **Single-family Neighborhood:** This research defines “single-family neighborhood” as a neighborhood with only or predominantly single-family residences.
- **Single-family Residence:** This research defines “single-family residence” as a residence with only one dwelling unit per building and owner occupied.
- **Multi-family Neighborhood:** This research defines “multi-family neighborhood” as a neighborhood with only or predominantly multi-family residences.
- **Multi-family Residence:** This research defines “multi-family residence” as residences with at least two or more dwelling units per building.

## Research Design

Given that this research aims to analyze the perceptions of LA County homeowners with hopes to gain insight on homeowners' likelihood, barriers, and facilitators in adopting ADUs on their property, primary data on people's opinions were needed. Surveying was chosen as the method to gain this insight, then analyze through STATA statistical software along with Microsoft Excel and One Note to determine findings.

### Survey Target Population

The target population for the survey was LA County homeowners (18 years and older). Due to the inability to ensure only LA County homeowners were responding from Survey Audience or on the website, the survey was open to all. However, screening questions were included to view answers from LA County homeowners easily.

### Survey Design

The survey was designed to provide information that is missing in research related to the relationship between HOAs, HOA homeowners and ADUs. The survey was developed in consultation with the client and faculty advisor.

The survey had a total of 13 questions mixed with both closed-ended and open-ended questions; the close-ended questions were on a likert-scale. The survey questions of this study were based on what the researcher discovered were gaps in

research knowledge from the literature review and professionals. Therefore, the survey sought to learn more about characteristics about the relationship between LA County Homeowners and ADUs, along with their HOAs. The survey was anonymous to allow respondents to feel as comfortable as possible sharing their thoughts about ADUs and HOAs.

The survey had a total of 13 questions mixed with both closed-ended and open-ended questions. The survey questions of this study were based on what the researcher discovered were gaps in research knowledge from the literature review and professionals. Therefore, the survey sought to learn more about characteristics about the relationship between LA County Homeowners and ADUs, along with their HOAs. The survey was anonymous to allow respondents to feel as comfortable as possible sharing their thoughts about ADUs and HOAs.

The survey was designed for online dissemination to a large population and different answers between HOA homeowners and non- HOA homeowners were anticipated, therefore both the skip logic was used. Skip logic wish when respondents answer a certain way and then the survey skips the next question based on their answers. Survey respondents had the freedom to skip any questions or quit the survey at any time during the survey process. The results of these surveys were incorporated into developing a set of



policy recommendations for Los Angeles County. This data collection ran between late January and early February.

The platform used to conduct the online survey was Survey Monkey. Survey Monkey was chosen as the platform for both the ability to design the survey that includes a logical sequence based on respondents' answers and the Survey Monkey Audience, which allowed our surveys to be sent to respondents that match the criteria needed to answer our research questions. Through funding from UCLA Lewis Center for Regional Studies, the primary method of distribution was through Survey Monkey Audience. However, the online survey was also shared through social media and the Bay Area Council's network.

The sampling approach for this research was convenience and snowball sampling. Due to money and time constraints, convenience and snowball sampling worked best for this project. For example, it was cost-free and quick to have stakeholders post the surveys on their social media and websites. Therefore this research sample was not a random, representative sample. Since there is no public database for HOAs names, it was difficult to retrieve a random, representative sample. In addition, this survey was also posted on Twitter due to convenience and led to a snowball of people who found the survey on twitter to share with who they know. Therefore, the HOA names collected

through the survey responses of homeowners were then used to search for CC&Rs. Although not representative or random, convenient sampling allowed the research to receive HOA names to help create a list of HOAs in Los Angeles County, which is more than what existed before this research. In addition, this research filled gaps within research regarding HOAs and their impacts. So, this study can act as a pilot for methods to analyze HOAs and to offer preliminary information on the possible extent HOAs may act as barriers to the construction and use of ADUs and JADUs. The research targeted a random sample of homeowners for the survey with hopes to gain as many responses as possible- distributed throughout the California region due to the inability to specify the location. Additionally, the survey was created and distributed in both English and Spanish- the two most prominent languages spoken at home in LA County (American Community Survey 2018) in attempts to reach a larger audience.

Ultimately, 650 surveys were returned with 470 responses from Los Angeles County homeowners which is a small sample compared to LA County's population of over ten million people (U.S. Census Bureau). This survey sought to understand if the financial costs attached to the construction and use of ADUs and JADUs, are homeowners would be interested in one.

Table 2: Type and Purpose of Survey Questions

#	Question	Type	Purpose
1	What is your gender?	Close-ended	The purpose of this question helped provide demographic information to analyze whether there are differences in willingness among men and women.
2	Do you live in a city within (or an unincorporated area of) Los Angeles County?	Close-ended	The purpose of this question was to be able to focus on LA County which is the geography of interest for this research.
3	In what ZIP code is your permanent residence where you live most of the year located?	Close-Ended	The purpose of this question was to help identify HOA locations with the HOA names survey respondents submitted in a later question.
4	How likely are you to add an ADU to your residential lot?	Close-Ended (Likert Scale)	The purpose of this question was to help identify the willingness of LA County Homeowners to construct and use an ADU on their residential lot without any incentives.
5	I am willing to pay to add an ADU to my [owned] residential lot to collect additional rental income and help with the housing crisis by providing someone with a home.	Close-Ended (Likert Scale)	The purpose of this question was to help identify how much incentives and what kind of incentives are LA County Homeowners more drawn to.
6	I am willing to pay for a portion of a new Accessory Dwelling on my property (e.g., government, nonprofit, or private company subsidizes/pays for the remainder).	Close-Ended (Likert Scale)	The purpose of this question was to help identify how much incentives and what kind of incentives are LA County Homeowners more drawn to.
7	The cost of adding an Accessory Dwelling Unit is too expensive, but if it would cost less to implement (e.g., tax write-off for construction loan; someone else pays/organizes the design/ construction/ permitting, tenant selection, and/or maintenance/property management), I am willing to pay to add an ADU to my residential lot.	Close-Ended (Likert Scale)	These scenario statements are intended to help identify how much incentives and what kind of incentives are LA County Homeowners more drawn to.

Table 2: Type and Purpose of Survey Questions (Continued)

#	Question	Type	Purpose
8	I would add an ADU on my property if:	Open-ended	The purpose of this question was to help identify common themes LA County Homeowners identified as possible facilitators that may potentially help inform policies to address. This also allowed homeowners to potentially list any incentives that were not prompted by previous questions.
9	I would not add an ADU on my property because:	Open-ended	The purpose of this question was to help identify common obstacles LA County Homeowners identify as the largest issues with ADU which might potentially help inform policies to address. Also, for the research interest, it allowed homeowners to identify - with no prompt- whether their HOAs were barriers. This question was placed before the question asking whether their residence was located under HOA jurisdiction for this purpose.
10	Is your residential lot located within a Homeowners Association (HOA) neighborhood?	Close-Ended	The purpose of this question was to help identify patterns among LA County Homeowners with the residence located under HOA jurisdiction versus LA County Homeowner with residence not located within HOA jurisdiction.
11	Please provide the name of your Homeowner Association (HOA):	Open-ended	The purpose of this question was to help identify HOA names due to the lack of a public database in LA County. Furthermore, this information intended to help the study collect and analyze CC&Rs from the LA County's Recorder Office, which was part of this phase's initial scope. However, due to COVID-19 closures and limitations, the scope was changed and no longer included this within it. Now, this information may help future research.
12	My HOA Board of Directors (and/or neighbors) would approve an ADU on my residential lot.	Close-Ended (Likert Scale)	The purpose of this question was to help identify further whether there was a difference among LA County homeowners that live within HOA jurisdiction versus those who do not.
13	Is there anything else you would like to say about ADUs or HOAs that we have not asked you?	Open-ended	The purpose of this question was to allow homeowners to elaborate on their thoughts. Additionally, this information helped identify any perceived gaps within this research that the homeowners felt significant.

Table 3: Online Survey Responses

<b>Data Collection</b>	→ three weeks (January 24, 2020 to February 14, 2020)
<b>Collection Method</b>	→ SurveyMonkey Audience → UCLA Lewis Center for Regional Policy Study's Network → Bay Area Council & Casita Coalition Network
<b>Responses</b>	→ 611 responses total → 90% respondents completed the entire survey (550 total) → 77% responses from LA County residents (470 total) → 90% respondents from LA County completed the entire survey (423 total)

**Limitations**

There were a number of challenges in evidence gathering. Initially, the project's scope was much larger, but the lack of transparency of HOAs to the public prevented the research from occurring. For example, although CC&Rs are public record and available at the County Recorder's office, the only way to access them is to know an HOA by name. However, there were no public databases that list the names of existing HOAs. Therefore, with the lack of access to HOA names, the research relied heavily on the survey respondents to identify their HOA. Unfortunately, since this question was a write-in, there were a large number of respondents that identified living in an HOA that either did not provide a name or provided an incorrect name. Additionally, a few of the HOA names provided

were those of homeowners that live in condos/ townhouses. Unfortunately, due to COVID-19, the CCRs were not collected due to office closures that did not work with this initial phase's timeline.

Additionally, there was no public map or overlay that identified any HOAs like in other states such as Arizona. Since Los Angeles County has thousands of HOAs in its region, it was also challenging to collect a representative number of HOAs names, CCRs, and survey responses given the limited amount of time and funding for the research. Also, cities do not have records that have ADU or JADU geospatial data or records. Studying ADU and JADU potential was also challenging, given the layered and rapidly changing political landscape of ADUs and JADUs in California.

# SURVEY FINDINGS & ANALYSIS

This project's findings and analysis are categorized into three categories:

- LA County Homeowners Willingness to Adopt ADUs
- Obstacles for ADU Support
- Facilitators for ADU Support

Each of these three categories includes sub-categories on HOA versus non-HOA homeowners and gender. Due to the sample size and the sampling methodology of the survey, it is uncertain whether the survey sample is representative of the actual LA County's homeowner population.

In total, 611 surveys were returned. Of those, 550 respondents (>90%) completed the survey. Of the returned surveys, approximately 470 respondents lived in LA County residents, and 141 respondents resided outside of LA County. For this research, only responses from LA County residents were analyzed. Out of all 470 LA County responses, 423 (>90%) completed the survey. Unless otherwise stated, the percentages presented in this report are valid percentages, which excludes skipped or "No Answer" responses.

## Demographic Trends

Survey respondents were asked to provide information on their gender, age, and household income. Table #3 presents the demographics of those who identified living in LA County within the survey.

Table 3: Demographics (LA County Respondents)

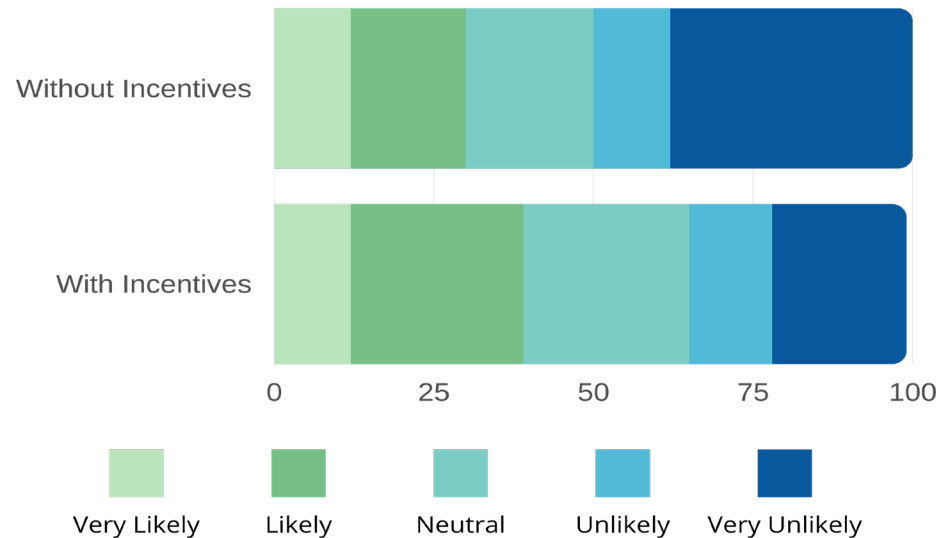
		LA County
Gender	Male	38.51%
	Female	60.85%
	Gender Nonconforming	0.64%
Age	18-29	31.67%
	30-44	19.00%
	45-60	15.61%
	>60	33.71%
	Prefer not to answer	5.96%
Annual Household Income	\$0-\$9,999	4.52%
	\$10,000-\$24,999	3.85%
	\$25,000-\$49,999	11.76%
	\$50,000-\$74,999	15.16%
	\$75,000-\$99,999	12.44%
	\$100,000-\$124,999	12.44%
	\$125,000-\$149,999	6.33%
	\$150,000-\$174,999	6.11%
	\$175,000-\$199,999	2.04%
	\$200,000+	10.86%
Prefer not to answer	14.48%	
Located under HOA Jurisdiction	Yes	29%
	No	55%
	Unsure	16%

## Are Residents of LA County Willing to Adopt ADUs?

Survey respondents were asked about their likeliness of adding an Accessory Dwelling Unit (ADU) to their lot under four different conditions: (1) general willingness to add an ADU to their lot, (2) willingness if receiving monthly rent from the tenant, (3) willingness if half of the ADU paid for by someone else and (4) willingness with a tax write-off or having the ADU paid off.

Initially, half of the Los Angeles County survey respondents were less likely to add an ADU to their residential lot when they were initially asked (See Figure 4). However, by the fourth scenario, with the most incentives added for the respondent to consider, the majority of the Los Angeles County survey respondents became more likely to add an ADU to their residential lot. Although a number of all LA County respondents willing to add an ADU increased, more respondents were more likely not to add an ADU than those who identified as neutral (See Figure 4).

Figure 4: LA County's Willingness to Add an ADU to their Residential Lot



The graph above compares LA County respondents' answers on whether they are willing to add an ADU on their lot without any incentives versus with incentives.



## Gender

Table 4: Willingness to Adopt ADUs With Incentives by Gender

		Q: How likely are you to add an ADU to your residential lot? <sup>4</sup>					Total
		Very Likely	Likely	Neutral	Unlikely	Very Unlikely	
Gender <sup>5</sup>	Female	11% 29	6% 46	16% 44	14% 39	43% 118	276
	Male	15% 27	20% 36	25% 45	10% 17	30% 53	178
	Total	56	82	89	56	171	454

<sup>4</sup> Shaded cells shows a significant difference at a 95% confidence level (p = .05).

<sup>5</sup> To show statistical significance, you need a "compare rule" applied and at least 30 responses in each compared group. One of the response options was "Gender Non-Conforming," but not enough responses were given to be included in this survey comparison.

Table 5: Willingness to Adopt ADUs Without Incentives by Gender

		Q: The cost of adding an Accessory Dwelling Unit is too expensive, but if it would cost less to implement (e.g., tax write-off for construction loan; someone else pays/organizes the design/construction/ permitting, tenant selection, and/or maintenance/property management), I am willing to pay to add an ADU to my residential lot.					Total
		Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
ender	Female	10% 26	28% 75	24% 64	14% 38	25% 69	61% 272
	Male	16% 29	27% 47	31% 54	12% 22	14% 25	39% 177
	Total	55	122	118	60	94	449

<sup>4</sup> Shaded cells shows a significant difference at a 95% confidence level (p = .05).

<sup>5</sup> To show statistical significance, you need a "compare rule" applied and at least 30 responses in each compared group. One of the response options was "Gender Non-Conforming," but not enough responses were given to be included in this survey comparison.

Breaking down the results by gender revealed that more than half of those who identify as a male were more likely to add an ADU with and without incentives. Most men responded "neutral" to adding an ADU to their residential lot without incentives, however. Women were statistically more significant to be "very unlikely" toward adding an ADU to their residential lot (Table 3). Women were also more likely to "strongly disagree" that they would adopt an ADU with incentives.

Most male respondents identified financial cost and time spent to permit and maintain an ADU as the prominent factor dissuading them from constructing and using ADUs the cost of time and money, and the most popular facilitator were financial incentives and shorter entitlement processing times. One quote from a male respondent concerned with the cost of ADUs is:

*"[ADUs] are a good idea - if only the city just made getting regular permits for ADUs to be cheaper and easier to obtain. The restrictions and contingencies are way out of line for the projected cost to build one if you get any of the rebates or incentives from the city." - Survey Respondent*

The second most common reason that stopped male respondents from constructing and using ADUs on their lot is that there was simply no need for their family - whether it be space for

other members or the additional income. It is unclear if the respondents concerned with costs about time were aware of the new bills that became effective January 1, 2020, which further costs time and money. Therefore, community education on ADUs and the measures in effect would be beneficial to ensure respondents are making decisions with the complete knowledge of the process of constructing and using ADUs.

Among the respondents that identified as women, the most reoccurring reason to not construct and use ADUs was space, which respondents may have interpreted as both physical and personal based on write in responses. A quote exemplifying this sentiment of wanting to both preserve physical and own space from the survey is:

*“There may not be enough space and there is a level of discomfort in having a stranger live in your backyard.” - Female Respondent*

Some female respondents noted that they would like to save the space for a pool someday, keep their backyard, or eventually reserve the area for the family. The latter plays into the similar sentiment of the majority of women less comfortable with constructing and using ADUs for strangers to rent, but more comfortable with the idea of ADUs for their family. Another response from a woman respondent to why they are not interested in adding an ADU to their lot:

*“At this time, I would not spend the time or money, want the noise of construction, and am not sure I would want another person living there indefinitely. I have always wanted a pool, and need my garage space for storage at this time.” - Female Respondent*

Also, some of the respondents listed that their property did not have any space. After space, the most common barrier that women listed as an issue was expenses and cost. They shared similar sentiments as men.

With analyzing these findings, there may be some benefit to provide incentives for homeowners so that they can feel that adding an ADU to their lot for a stranger would be beneficial to them. Therefore, in addition to the education suggestion about the financing ADUs and the process under the new bills, it may be helpful if both the state and local governments look into research and sessions on the benefits of ADUs for homeowners.

The previous section shows that LA County Homeowners are interested and willing to construct and add ADUs to their lots. Therefore, LA County must materialize the interest of LA County homeowners to reach the goal of housing units in these low-density areas.



## HOA versus Non-HOA

Table 6: Initial Willingness by Residence Jurisdiction

		Q: How likely are you to add an ADU to your residential lot? <sup>5</sup>					Total
		Very Likely	Likely	Neutral	Unlikely	Very Unlikely	
Residence Jurisdiction	HOA	19% 25	22% 29	11% 14	7% 9	41% 53	35% 130
	Non-HOA	9% 21	17% 41	20% 50	15% 36	39% 96	65% 244
	Total	46	70	64	45	149	374

\*Shaded cells shows a significant difference at a 95% confidence level (p = .05).

Table 7: Willingness with Extensive Incentives List by Residence Jurisdiction

		Q: The cost of adding an Accessory Dwelling Unit is too expensive, but if it would cost less to implement (e.g., tax write-off for construction loan; someone else pays/organizes the design/construction/ permitting, tenant selection, and/or maintenance/property management), I am willing to pay to add an ADU to my residential lot.					Total
		Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Residence Jurisdiction	HOA	22% 29	23% 30	26% 34	11% 14	18% 23	35% 130
	Non-HOA	8% 20	27% 67	24% 58	14% 35	26% 64	65% 244
	Total	49	97	92	49	87	374

\*Shaded cells shows a significant difference at a 95% confidence level (p = .05).

Figure 5: Do those around me approve? (All LA County)

Q: My HOA Board of Directors (and/or neighbors) would approve an ADU on my residential lot.

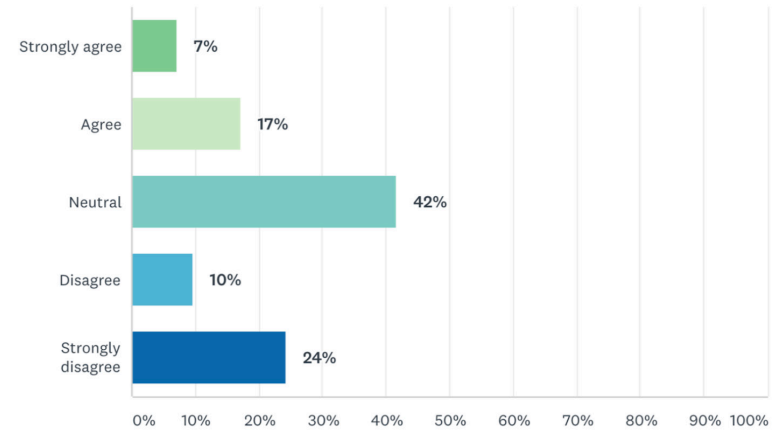
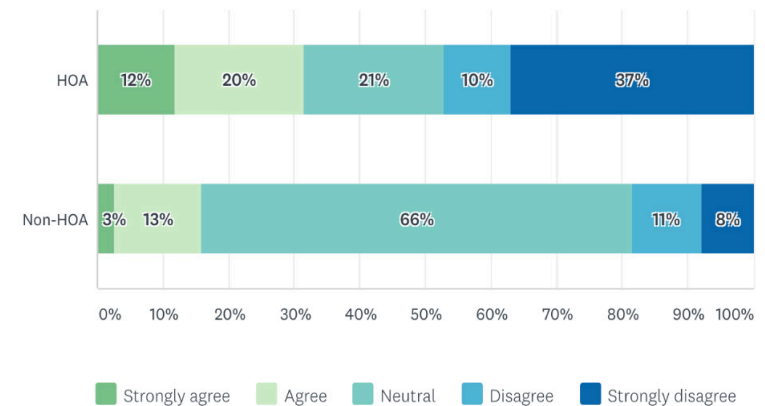


Figure 6: Do those around me approve? (HOA versus Non-HOA)



When analyzing the data by the respondents' housing tenure -whether their residence is located in an HOA - those that identified as living under HOA jurisdiction were more willing to add ADUs and JADUs to their lots than those who did not live in an HOA. Specifically, 19% of the respondents that lived in an HOA initially answered they were "strongly likely" to add an ADU to their lot, compared to only 9% of non-HOA homeowners. However, 41% of the respondents that lived in an HOA answered they had neutral feelings about adding an ADU to their lot. This significantly more than the 39% of non-HOA homeowners who said they were "strongly unlikely" to add an ADU to their lot.

For non- HOA respondents, most respondents answered that they would not add an ADU to their lot due to a lack of space on their lot. Unfortunately, the respondents did not elaborate on if there is not enough space due to wanting to preserve existing space or if there is not enough space due to zoning regulations. The second most common response was simply that they did not want to add an ADU due to not wanting to be a landlord or wanting strangers on their lot. There were also some responses stating that they did not want it due to no personal need for it.

*" I would rather find other avenues to help with housing. I don't want strangers on my property." - Non-HOA Homeowner*

*"I don't want to deal with living with other people on the same property. This is why I moved out of apartments." - Non-HOA Homeowner*

The second most common response was simply that they did not want to add an ADU due to not wanting to be a landlord or wanting strangers on their lot. There were also some responses stating that they did not want it due to no personal need for it.

For respondents living under HOA jurisdiction, the most common response was that adding an ADU to their lot is too expensive in cost.

When an extensive list of incentives was added to the prompt, more HOA homeowners significantly strongly agreed with the statement about adding ADUs to their lot than non-HOA homeowners. Overall, HOA homeowners were more willing to add an ADU to their lot both initially and with incentives. One potential explanation that HOA homeowners are more willing to add ADUs and JADUs onto their residential lot because of the extra layer of security they have with being in an HOA. For example, HOAs are known to be entities that protect property value, so these homeowners may believe that if they are capable of adding an ADU or JADU to their lot under an HOA, then it must not harm them their property value or neighborhood.

A combined total of 47% HOA homeowners responded that their HOA Board of Directors and

neighbors would disapprove of an ADU addition compared to 19% of respondents who did not live in an HOA. Although the HOA homeowners in this survey were more willing to add an ADU to their lot, significantly more of them disagreed and strongly disagreed that the HOA Directors or neighbors would approve of an ADU addition. Reasons for the HOA Board of Directors' and neighbors' disapproval of HOA may be reflected in the obstacles given in the next section.

The end of the survey asks respondents to provide any additional thoughts they would like to share. For respondents that identified having a residence within HOA jurisdiction, several of them asked whether or not HOAs have authority over ADUs. One respondent, in particular, drew similarities between ADUs and solar panels on whether HOAs had control:

*"Five years ago I wanted to add solar panels and I researched the law which basically said HOA's cannot stop someone and being on the board I did not ask permission, but announced to the board that I showed them the law and no one gave me a hard time. For several years I was the only unit with solar but now there are two out of 101 units." - HOA Homeowner*

HOAs have historically been given a significant amount of power due to the power of contract law, where HOAs have mostly been able to create

their private land use law. Similar to solar panels and landscaping, there has been a gray area of the authority of HOAs, and based on the respondents' responses on whether they believe their HOA Board of Directors and neighbors would agree to an ADU may display the power of informal rules. Although HOAs could never conflict with state law, they have successfully prevented state pushes like solar panels and now ADUs where they needed a bill like AB 670 (Friedman) to serve as a reminder. However, AB 670 blurs HOAs' authority a bit more as it only prevents HOAs from "unreasonably" restricting the construction and use of ADUs in single-family neighborhoods (ADU Legislation; California Civil Code § 4751). The language in the bill leaves out multi-family use zoning, which is now allowed to construct and use ADUs.

To address the concerns of HOAs in regards to ADUs, a respondent suggest that HOA costs should be limited and cannot be maxed out without a vote of the residents. Though much research will have to figure out the actual cost and whether HOA votes to max out would happen quickly - a look into how to limit the seemingly, never-ending power of HOAs should happen.

## Obstacles for ADU Support

Respondents were asked about what was the reason why they would not want to add an ADU to their residential lot. About 20% of the responses received noted that the following were the most common reasons given by the LA County survey respondents when asked what is stopping them from adding an ADU to their lot.

Figure 7: Visual Representation of Biggest Barriers for ADU Adoption for all LA County Respondents



*"At this time, I do not want to spend the time or money, do not want the noise of construction, and I am not sure if I would want another person living there indefinitely. I have always wanted a pool, and need my garage space for storage at this time." - Survey Respondent*

## Cost

The number one obstacle for homeowners to add an ADU to their residential lot - by LA County survey respondents- is cost. Respondents expressed concern about all costs resulting from an ADU addition- from construction to permitting to maintenance. Other costs respondents listed as an obstacle is the increase of property taxes that adding an ADU would lead to. A cost listed that is not monetary, but also appeared several times as a response was the cost of time adding and maintaining another dwelling on their property. The state and local government can look into incentives program that cuts costs of construction, maintenance, and permitting ADUs. In regards to cutting time, it is unclear if the respondents were aware of the new bills that took into effect January 1, 2020 that streamlines the permitting of ADUs.

## Space

*“There may not be enough space and there is a level of discomfort in having a stranger live in your backyard” - Survey Respondent*

The second most commonly listed obstacle respondents gave was space. Respondents noted that they believed their lots were too small to add another unit. Some identified space as an issue since they live in the hillside. Respondents also noted they did not want to lose space for the sake of an ADU- such as a garage, yard, or space for

a pool. Others enjoyed their space and felt like adding an ADU would add “clutter.” Respondents also talked about space outside beyond their lot, noting that it would either lead to parking troubles on top of the existing parking troubles for any additions to the neighborhood. Related to the value of having their space less congested, respondents expressed concern about what adding ADUs can do to traffic in the area. In addition, respondents expressed their value for personal space. Furthermore, respondents did not want strangers on their property since they stated that they tend to not trust strangers enough. Overall, respondents did not want density in their neighborhoods if the neighborhoods could not support the new density in relation to parking and traffic. Steps to take to address this barrier could be educational workshops for homeowners and research on the role ADUs play in the housing crisis could shift the priorities of a pool or a backyard. However, a similar survey should be conducted to this one as - now more than ever during COVID-19 having personal space may have shifted to be the greatest barrier as housing and neighborhoods with more space and less density, people may have moved and lived during quarantine more freely than those who did not have it.

## Property Value

*"My experience of ADUs in Los Angeles is that they are almost always poorly constructed and maintained. Done as cheaply as possible by unscrupulous landlords who just want to make money. I'm afraid the new laws are going to lead to lots of poor quality housing like this and change the quality of neighborhoods negatively."*

*- Survey Respondent*

The third common obstacle listed by respondents was the concern of property values decreasing with the ADU. Specifically, respondents expressed concern will not only decrease the value of their property but of their neighbor's property as well. They were also worried that they would be unable to evict a disruptive or delinquent tenant that they could not evict may do more harm than good for their property value. Some respondents posit that ADUs tend to be poorly constructed, and the low quality of ADUs would "degrade nice neighborhoods" into a "low-class neighborhood." Some respondents even went as far as to call ADUs "undesirable." Investment in research conducted on ADUs' effect on property and neighborhood value and potential benefits homeowners may could help shift this negative narrative around ADUs.

## Crime

*"I would not like a stranger living so close to me. I would feel unsafe!" - Survey Respondent*

A couple of respondents noted the concerns with an increase in criminal activity with the addition of ADUs to neighborhoods. Respondents also noted that their neighbors would not feel comfortable with strangers that ADUs bring due to the potential criminal activity. Although some people may think that more people may mean more "eyes" in the neighborhood to prevent crime, the sentiment among the respondents were not the case. Instead, they were worried about their future tenant to be someone to commit a crime onto them. There was a general lack of trust toward strangers; all those who mentioned crime were women respondents.

## HOA

*"I would strongly avoid living in an HOA-controlled residence." - Survey Respondent*

A small number of respondents brought up HOAs without a prompt in the question. For respondents that identified living in an HOA-controlled residence, they did not go into detail. They only noted that their HOA simply does not allow an ADU or that they will need to go through an approval process. Unfortunately, due to COVID-19 closures, the research was unable to obtain CC&Rs from LA County Recorder's Office. Also, there were respondents from HOA-controlled residences that identified as owning a condo, townhouse, or mobile home. Since these respondents do not own the lot, these respondents noted that they are unable to add an ADU unit or need HOA consent. This is something to look into since new ADU bills allow the addition of ADUs on multi-family lots.

A respondent in the survey noted that they work for a company that has installed ADUs, and due to the restrictiveness HOA they said they avoid living in HOA-controlled residence and would avoid installing ADUs in these areas if possible due to the politics and regulations prolonging the process. Unfortunately, this respondent did not provide any HOA names to analyze the language of the CC&Rs.

The lack of transparency around HOAs and the lack of accessibility to the public - for public documents - is an area that the state and local government can invest research into.



## Possible Incentives to Gain ADU Support

Although some respondents vehemently opposed an ADU addition to their lot under any circumstances, others noted they would be open to adding the ADU if one or more of the following incentives were true:

### Financial Assistance

The most common incentive respondents listed that may increase their likelihood of adding an ADU is financial assistance at all stages of the ADU- entitlement process, construction, and maintenance. However, a few respondents that did want assistance noted they would not take government assistance because that usually meant that the government would have too much control over their ADU. Therefore, respondents seemed to want financial assistance but still wanted to maintain full control of the ADU in regards to tenant selection/eviction and rents. Some respondents wanted the whole cost covered including upkeep.

Even if they did receive financial assistance, a large number of these respondents expressed the want for assurance that they would still be able to select their tenants and have the power and support to evict tenants immediately - if necessary. Also, a small number of respondents expressed their likelihood of adding ADU to their lot would increase if there would be no rent control and would be able to charge "market rate" rent.

### Zoning and Shorter Entitlement Process

The second most common I noted was that they were more likely to add an ADU if there were someone to help them along the process. Furthermore, other respondents expressed a likelihood to add an ADU to their lot if city regulations became more lenient making the entitlement process quicker; someone even went as far as to say they were likely to add an ADU if zoning was eliminated. Another person suggested that an incentive should be that if someone adds an ADU to their residential lot, then the City would allow the lot to build extra additional rooms for primary residence -despite zoning standards.

A few respondents also remarked that they were more likely if setback was not an issue. Although there have been several bills streamlining the process, it seems that there may be a need to inform the general public about state legislation or the respondents do not believe the new bills are enough. It may be worth for both the county and local government to explore whether homeowners still believe zoning restrictions and the entitlement process is still too comprehensive for an ADU or JADU addition.



Figure #8: Visual Representation of Possible Incentives to Increase Interest in ADU Adoption



# CONCLUSION

The support around ADUs seems to be split between Los Angeles County survey respondents. From analyzing the results, removing the financial costs would sway Los Angeles County homeowners to ADUs. However, financial costs are not enough to get everyone on board. There seems to be a strong set of Los Angeles County respondents who vehemently opposes the addition of ADUs on their lots and in their neighborhoods. Homeowners would be interested in ADUs and JADUs. Helping to close this funding gap is one-way Los Angeles County can help support ADUs and JADUs, but without removing the barrier, HOAs supply may occur.

1. Homeowners listed cost as the biggest barrier for ADU adoption on their lot. Other of the main barriers listed were space, property value, HOAs, and crimes.
2. LA County Homeowners are more willing to add an ADU if incentives, like financial assistance, are offered.
3. Although HOA Homeowners are more willing than non-HOA homeowners, significantly more of them felt like their HOA Board of Directors and neighbors would disapprove.

Based on the research findings, there are several recommendations. First, it is recommended that LA County considers an ADU financial assistance program for financing ADUs as the largest barrier

noted had been the construction cost and maintenance of ADUs. Also, LA County should consider creating a costs/benefits education program on ADUs so that homeowners can better assess whether ADUs are worth the investment. With that said, it is crucial that investment in research among the relationship around ADUs and HOAs be furthered. Specifically, it is recommended that LA County should establish a public database of all HOAs and their public documents. By creating a database of HOA names, location, and CC&Rs, transparency allows for a better understanding of power and relationships among ADUs, HOAs, and homeowners. Much of the suggested research was attempted during the duration of this research project. However, due to the lack of transparency, research, funding, and capacity, these other areas of study were not explored.

Other recommendations are to host “know your rights” workshop for homeowners and tenants program that would address homeowners’ fears of strangers living in the ADUs. Research can be done to explore safety assurances for both homeowners with ADUs and tenants to determine what would allow homeowners to feel comfortable with building HOAs for people outside of their family. Also, reoccurring workshops or a webinar can be created to teach homeowners about the new bills effective January 1, 2020, regarding ADUs and HOAs; much of the responses received wanted a streamlining of the permitting processes, but it was unclear if they were aware of the progress made so far on streamlining.

Additionally, some findings suggested that HOAs are restrictive. Therefore, there should be a consideration on setting universal ADU standards (i.e., setbacks, heights, etc.) that HOAs are allowed to have to say in (if at all) and set a universal fee for ADUs that covers all additional services to ensure that HOAs do not increase the cost of HOAs to the point where the costs begin to outweigh the possible benefits of adding an ADU to one.

Furthermore, it is suggested that research on this topic is continued and invested in by the County in three areas. Investment in a spatial analysis of several HOA locations and ADU and JADU potential. Another aspect of the research should analyze HOAs' Code, Covenants, and Restrictions document to identify any restrictive language that may be reasonably restricting ADU and JADU documents. Third, the County should consider investing in research around ADUs and JADUs impacts on the property value and neighborhood quality. Research is probably the most crucial part of the recommendations because it has the power to change the narrative. Currently, some homeowners from the survey noted that ADUs were undesirable. However, there has not been enough research completed that explores how ADUs impact neighborhoods.

If state and local municipalities make no attempts in these areas of recommendations, California's and local efforts in increasing the production of these untapped housing in these may be left in vain.

## RECOMMENDATIONS

More investment in the research of the relation of HOAs and ADUs

ADU financial assistance program

Cost/benefits workshop for homeowners

Public database of HOA names, location, and CC&Rs

Recurring ADU State bills webinar/workshop

Setting a universal HOA (maximum) fee on ADUs

Setting universal ADU standards (setbacks, height, etc.) that HOAs have authority over

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# APPENDIX

## Appendix A: Homeowner Survey (English) Page 1 of 4

### Survey Overview

You are invited to participate in an online survey about housing capacity, such as new Accessory Dwelling Units (ADUs), in residential neighborhoods under the jurisdiction of a Homeowners Association (HOA). This is a research project being conducted by Yamillet Brizuela, a graduate student at the University of California, Los Angeles (UCLA). It should take approximately 10 minutes to complete.

**Purpose:** The purpose of this study is to understand the housing capacity in existing residential neighborhoods within HOA jurisdiction in Los Angeles County. Although the research's primary focus is on Los Angeles County, this survey is open to all.

**Procedures:** In this survey, you will be asked a series of closed-ended questions about your thoughts on the construction and use of ADUs and HOAs.

**Risks and Discomforts:** There are no anticipated risks beyond those encountered in everyday life.

**Benefit:** This research may not benefit you directly, however, your participation is crucial to provide a deepened understanding of housing capacity in residential neighborhoods under an HOA's jurisdiction.

**Privacy and Confidentiality:** Your responses will be confidential and only the researchers involved in this study and those responsible for research oversight will have access to the information provided. Your responses will be numbered and the code linking your number with your name will be stored in a secured server hosted by UCLA.

**Voluntary Participation:** Your participation is completely voluntary. You are free to decline to participate or to exit the survey at any time without penalty. You must be at least 18 years of age to participate.

**Contact Information:** If you have any questions, comments, or concerns about this study, you may contact the principal investigator, Yamillet Brizuela, at [yamilletbrizuela@gmail.com](mailto:yamilletbrizuela@gmail.com) or via phone at (323) 304-9757. If you have any questions about your rights as a survey participant, or have concerns or suggestions and want to talk to someone other than the researcher, contact the UCLA Office of the Human Research Protection Program at (310) 206-2040 or [participants@research.ucla.edu](mailto:participants@research.ucla.edu).

**Consent Statement:** I have read this consent form and have had the opportunity to have my questions answered to my satisfaction. I voluntarily agree to participate in this study. I understand that I may maintain a copy of this consent form for future reference.

## Appendix A: Homeowner Survey (English) Page 2 of 4

### Survey Questions

\* 1. What is your gender?

- Female
- Male
- Gender Nonconforming

\* 2. Do you live in a city within (or an unincorporated area of) Los Angeles County?

- Yes
- No

3. In what ZIP code is your permanent residence where you live most of the year located? (For those with ZIP Codes located in Los Angeles County, please use drop-down box for selection. For all others, please select "Other" and manually input ZIP Code).

\* 4. How likely are you to add an ADU to your residential lot?

- Very likely
- Likely
- Neither likely nor unlikely
- Unlikely
- Very unlikely

## Appendix A: Homeowner Survey (English) Page 3 of 4

\* 5. I am willing to pay to add an ADU to my [owned] residential lot to collect additional rental income and help with the housing crisis by providing someone with a home.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

\* 6. I am willing to pay for a portion of a new Accessory Dwelling on my property (e.g., government, nonprofit, or private company subsidizes/pays for the remainder).

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

\* 7. The cost of adding an Accessory Dwelling Unit is too expensive, but if it would cost less to implement (e.g., tax write-off for construction loan; someone else pays/organizes the design/ construction/ permitting, tenant selection, and/or maintenance/property management), I am willing to pay to add an ADU to my residential lot.

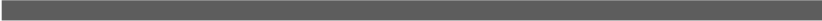
- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

\* 8. I would add an ADU on my property if:

# Appendix A: Homeowner Survey (English) Page 4 of 4



\* 9. I would not add an ADU on my property because:



\* 10. Is your residential lot located within a Homeowners Association (HOA) neighborhood? (e.g., subdivision with Codes, Covenants & Restrictions (CC&Rs) that would have been shared with other title documents and disclosures at the time of purchase)

- Yes
- No
- Unsure



11. Please provide the name of your Homeowner Association (HOA):



\* 12. My HOA Board of Directors (and/or neighbors) would approve an ADU on my residential lot.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree



\* 13. Is there anything else you would like to say about ADUs or HOAs that we have not asked you?