

SINGLE-FAMILY HOUSING MODIFICATIONS

2021 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions related to single-family housing.

Highlighted Provisions:

This bill:

- ▶ modifies terms applicable to municipal and county land use development and management;
- ▶ requires municipalities and counties to classify certain accessory dwelling units as a permitted land use;
- ▶ provides for statewide amendments to the International Residential Code related to accessory dwelling units;
- ▶ requires the executive director of the Olene Walker Housing Loan Fund to establish a program to provide loan guarantees for loans related to accessory dwelling units;
- ▶ prevents a condominium or homeowners association from prohibiting the construction or rental of certain accessory dwelling units; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

- 10-9a-103**, as last amended by Laws of Utah 2020, Chapter 434
- 10-9a-505.5**, as last amended by Laws of Utah 2012, Chapter 172
- 15A-3-202**, as last amended by Laws of Utah 2020, Chapter 441
- 15A-3-204**, as last amended by Laws of Utah 2016, Chapter 249
- 15A-3-206**, as last amended by Laws of Utah 2018, Chapter 186
- 17-27a-103**, as last amended by Laws of Utah 2020, Chapter 434

33 **17-27a-505.5**, as last amended by Laws of Utah 2015, Chapter 465
34 **35A-8-505**, as last amended by Laws of Utah 2020, Chapter 241
35 **57-8-8.1**, as last amended by Laws of Utah 2016, Chapters 154 and 348
36 **57-8-10.1**, as last amended by Laws of Utah 2018, Chapter 395
37 **57-8a-209**, as last amended by Laws of Utah 2018, Chapter 395
38 **57-8a-218**, as last amended by Laws of Utah 2017, Chapter 131

39 ENACTS:

40 **10-9A-514.5**, Utah Code Annotated 1953
41 **17-27A-513.5**, Utah Code Annotated 1953
42 **35A-8-504.5**, Utah Code Annotated 1953

43

44 *Be it enacted by the Legislature of the state of Utah:*

45 Section 1. Section **10-9a-103** is amended to read:

46 **10-9a-103. Definitions.**

47 As used in this chapter:

48 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
49 detached from a primary owner-occupied single-family dwelling and contained on one lot.

50 (2) "Adversely affected party" means a person other than a land use applicant who:

51 (a) owns real property adjoining the property that is the subject of a land use
52 application or land use decision; or

53 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
54 general community as a result of the land use decision.

55 (3) "Affected entity" means a county, municipality, local district, special service
56 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
57 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
58 public utility, property owner, property owners association, or the Utah Department of
59 Transportation, if:

60 (a) the entity's services or facilities are likely to require expansion or significant
61 modification because of an intended use of land;

62 (b) the entity has filed with the municipality a copy of the entity's general or long-range
63 plan; or

(c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

(4) "Affected owner" means the owner of real property that is:

(a) a single project;

(b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(5)(a); and

(c) determined to be legally referable under Section 20A-7-602.8.

(5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(7) (a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that has its application approved by a charter school authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

(iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(b) "Charter school" does not include a therapeutic school.

(8) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(9) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

(a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

(b) Utah Constitution Article I, Section 22.

(10) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for

95 the subject property.

96 (11) "Development activity" means:

97 (a) any construction or expansion of a building, structure, or use that creates additional
98 demand and need for public facilities;

99 (b) any change in use of a building or structure that creates additional demand and need
100 for public facilities; or

101 (c) any change in the use of land that creates additional demand and need for public
102 facilities.

103 (12) (a) "Disability" means a physical or mental impairment that substantially limits
104 one or more of a person's major life activities, including a person having a record of such an
105 impairment or being regarded as having such an impairment.

106 (b) "Disability" does not include current illegal use of, or addiction to, any federally
107 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
108 802.

109 (13) "Educational facility":

110 (a) means:

111 (i) a school district's building at which pupils assemble to receive instruction in a
112 program for any combination of grades from preschool through grade 12, including
113 kindergarten and a program for children with disabilities;

114 (ii) a structure or facility:

115 (A) located on the same property as a building described in Subsection (13)(a)(i); and

116 (B) used in support of the use of that building; and

117 (iii) a building to provide office and related space to a school district's administrative
118 personnel; and

119 (b) does not include:

120 (i) land or a structure, including land or a structure for inventory storage, equipment
121 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

122 (A) not located on the same property as a building described in Subsection (13)(a)(i);
123 and

124 (B) used in support of the purposes of a building described in Subsection (13)(a)(i); or

125 (ii) a therapeutic school.

(14) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

(15) "Flood plain" means land that:

(a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or

(b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

(16) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

(17) "Geologic hazard" means:

(a) a surface fault rupture;

(b) shallow groundwater;

(c) liquefaction;

(d) a landslide;

(e) a debris flow;

(f) unstable soil;

(g) a rock fall; or

(h) any other geologic condition that presents a risk:

(i) to life;

(ii) of substantial loss of real property; or

(iii) of substantial damage to real property.

(18) "Historic preservation authority" means a person, board, commission, or other body designated by a legislative body to:

(a) recommend land use regulations to preserve local historic districts or areas; and

(b) administer local historic preservation land use regulations within a local historic district or area.

(19) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other

157 utility system.

158 (20) "Identical plans" means building plans submitted to a municipality that:

159 (a) are clearly marked as "identical plans";

160 (b) are substantially identical to building plans that were previously submitted to and
161 reviewed and approved by the municipality; and

162 (c) describe a building that:

163 (i) is located on land zoned the same as the land on which the building described in the
164 previously approved plans is located;

165 (ii) is subject to the same geological and meteorological conditions and the same law
166 as the building described in the previously approved plans;

167 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
168 and approved by the municipality; and

169 (iv) does not require any additional engineering or analysis.

170 (21) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
171 Impact Fees Act.

172 (22) "Improvement completion assurance" means a surety bond, letter of credit,
173 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
174 by a municipality to guaranty the proper completion of landscaping or an infrastructure
175 improvement required as a condition precedent to:

176 (a) recording a subdivision plat; or

177 (b) development of a commercial, industrial, mixed use, or multifamily project.

178 (23) "Improvement warranty" means an applicant's unconditional warranty that the
179 applicant's installed and accepted landscaping or infrastructure improvement:

180 (a) complies with the municipality's written standards for design, materials, and
181 workmanship; and

182 (b) will not fail in any material respect, as a result of poor workmanship or materials,
183 within the improvement warranty period.

184 (24) "Improvement warranty period" means a period:

185 (a) no later than one year after a municipality's acceptance of required landscaping; or

186 (b) no later than one year after a municipality's acceptance of required infrastructure,
187 unless the municipality:

(i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

(25) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

(a) is required for human occupation; and

(b) an applicant must install:

(i) in accordance with published installation and inspection specifications for public improvements; and

(ii) whether the improvement is public or private, as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) development of a commercial, industrial, mixed use, condominium, or multifamily project.

(26) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

(b) (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

(ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

(27) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

(28) "Land use application":

(a) means an application that is:

(i) required by a municipality; and

(ii) submitted by a land use applicant to obtain a land use decision; and

(b) does not mean an application to enact, amend, or repeal a land use regulation.

219 (29) "Land use authority" means:

220 (a) a person, board, commission, agency, or body, including the local legislative body,
221 designated by the local legislative body to act upon a land use application; or

222 (b) if the local legislative body has not designated a person, board, commission,
223 agency, or body, the local legislative body.

224 (30) "Land use decision" means an administrative decision of a land use authority or
225 appeal authority regarding:

226 (a) a land use permit;

227 (b) a land use application; or

228 (c) the enforcement of a land use regulation, land use permit, or development
229 agreement.

230 (31) "Land use permit" means a permit issued by a land use authority.

231 (32) "Land use regulation":

232 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
233 specification, fee, or rule that governs the use or development of land;

234 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
235 and

236 (c) does not include:

237 (i) a land use decision of the legislative body acting as the land use authority, even if
238 the decision is expressed in a resolution or ordinance; or

239 (ii) a temporary revision to an engineering specification that does not materially:

240 (A) increase a land use applicant's cost of development compared to the existing
241 specification; or

242 (B) impact a land use applicant's use of land.

243 (33) "Legislative body" means the municipal council.

244 (34) "Local district" means an entity under Title 17B, Limited Purpose Local
245 Government Entities - Local Districts, and any other governmental or quasi-governmental
246 entity that is not a county, municipality, school district, or the state.

247 (35) "Local historic district or area" means a geographically definable area that:

248 (a) contains any combination of buildings, structures, sites, objects, landscape features,
249 archeological sites, or works of art that contribute to the historic preservation goals of a

250 legislative body; and

251 (b) is subject to land use regulations to preserve the historic significance of the local
252 historic district or area.

253 (36) "Lot" means a tract of land, regardless of any label, that is created by and shown
254 on a subdivision plat that has been recorded in the office of the county recorder.

255 (37) (a) "Lot line adjustment" means a relocation of a lot line boundary between
256 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
257 accordance with Section 10-9a-608, with the consent of the owners of record.

258 (b) "Lot line adjustment" does not mean a new boundary line that:

259 (i) creates an additional lot; or

260 (ii) constitutes a subdivision.

261 (38) "Major transit investment corridor" means public transit service that uses or
262 occupies:

263 (a) public transit rail right-of-way;

264 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;
265 or

266 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
267 municipality or county and:

268 (i) a public transit district as defined in Section 17B-2a-802; or

269 (ii) an eligible political subdivision as defined in Section 59-12-2219.

270 (39) "Moderate income housing" means housing occupied or reserved for occupancy
271 by households with a gross household income equal to or less than 80% of the median gross
272 income for households of the same size in the county in which the city is located.

273 (40) "Municipal utility easement" means an easement that:

274 (a) is created or depicted on a plat recorded in a county recorder's office and is
275 described as a municipal utility easement granted for public use;

276 (b) is not a protected utility easement or a public utility easement as defined in Section
277 54-3-27;

278 (c) the municipality or the municipality's affiliated governmental entity uses and
279 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
280 water, or communications or data lines;

(d) is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;

(e) (i) is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement; and

(ii) is located in a utility easement granted for public use; or

(f) is described in Section 10-9a-529 and is used by a specified public utility.

(41) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and expenses incurred in:

(a) verifying that building plans are identical plans; and

(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

(42) "Noncomplying structure" means a structure that:

(a) legally existed before its current land use designation; and

(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

(43) "Nonconforming use" means a use of land that:

(a) legally existed before its current land use designation;

(b) has been maintained continuously since the time the land use ordinance governing the land changed; and

(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

(44) "Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) has been adopted as an element of the municipality's general plan.

(45) "Parcel" means any real property that is not a lot created by and shown on a

312 subdivision plat recorded in the office of the county recorder.

313 (46) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
314 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
315 agreement in accordance with Section 57-1-45, if no additional parcel is created and:

316 (i) none of the property identified in the agreement is subdivided land; or

317 (ii) the adjustment is to the boundaries of a single person's parcels.

318 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
319 line that:

320 (i) creates an additional parcel; or

321 (ii) constitutes a subdivision.

322 (47) "Person" means an individual, corporation, partnership, organization, association,
323 trust, governmental agency, or any other legal entity.

324 (48) "Plan for moderate income housing" means a written document adopted by a
325 municipality's legislative body that includes:

326 (a) an estimate of the existing supply of moderate income housing located within the
327 municipality;

328 (b) an estimate of the need for moderate income housing in the municipality for the
329 next five years;

330 (c) a survey of total residential land use;

331 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
332 income housing; and

333 (e) a description of the municipality's program to encourage an adequate supply of
334 moderate income housing.

335 (49) "Plat" means a map or other graphical representation of lands that a licensed
336 professional land surveyor makes and prepares in accordance with Section 10-9a-603 or
337 57-8-13.

338 (50) "Potential geologic hazard area" means an area that:

339 (a) is designated by a Utah Geological Survey map, county geologist map, or other
340 relevant map or report as needing further study to determine the area's potential for geologic
341 hazard; or

342 (b) has not been studied by the Utah Geological Survey or a county geologist but

presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

(51) "Public agency" means:

(a) the federal government;

(b) the state;

(c) a county, municipality, school district, local district, special service district, or other political subdivision of the state; or

(d) a charter school.

(52) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

(53) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

(54) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

(55) "Receiving zone" means an area of a municipality that the municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

(56) "Record of survey map" means a map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

(57) "Residential facility for persons with a disability" means a residence:

(a) in which more than one person with a disability resides; and

(b) (i) which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or

(ii) which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

(58) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

(a) parliamentary order and procedure;

(b) ethical behavior; and

374 (c) civil discourse.

375 (59) "Sanitary sewer authority" means the department, agency, or public entity with
376 responsibility to review and approve the feasibility of sanitary sewer services or onsite
377 wastewater systems.

378 (60) "Sending zone" means an area of a municipality that the municipality designates,
379 by ordinance, as an area from which an owner of land may transfer a transferable development
380 right.

381 (61) "Specified public agency" means:

382 (a) the state;

383 (b) a school district; or

384 (c) a charter school.

385 (62) "Specified public utility" means an electrical corporation, gas corporation, or
386 telephone corporation, as those terms are defined in Section 54-2-1.

387 (63) "State" includes any department, division, or agency of the state.

388 (64) "Subdivided land" means the land, tract, or lot described in a recorded subdivision
389 plat.

390 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
391 divided into two or more lots or other division of land for the purpose, whether immediate or
392 future, for offer, sale, lease, or development either on the installment plan or upon any and all
393 other plans, terms, and conditions.

394 (b) "Subdivision" includes:

395 (i) the division or development of land whether by deed, metes and bounds description,
396 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division
397 includes all or a portion of a parcel or lot; and

398 (ii) except as provided in Subsection (65)(c), divisions of land for residential and
399 nonresidential uses, including land used or to be used for commercial, agricultural, and
400 industrial purposes.

401 (c) "Subdivision" does not include:

402 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
403 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
404 neither the resulting combined parcel nor the parcel remaining from the division or partition

405 violates an applicable land use ordinance;

406 (ii) an agreement recorded with the county recorder's office between owners of

407 adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement

408 in accordance with Section 57-1-45 if:

409 (A) no new lot is created; and

410 (B) the adjustment does not violate applicable land use ordinances;

411 (iii) a recorded document, executed by the owner of record:

412 (A) revising the legal description of more than one contiguous parcel of property that is

413 not subdivided land into one legal description encompassing all such parcels of property; or

414 (B) joining a subdivided parcel of property to another parcel of property that has not

415 been subdivided, if the joinder does not violate applicable land use ordinances;

416 (iv) an agreement between owners of adjoining subdivided properties adjusting the

417 mutual lot line boundary in accordance with Section 10-9a-603 if:

418 (A) no new dwelling lot or housing unit will result from the adjustment; and

419 (B) the adjustment will not violate any applicable land use ordinance;

420 (v) a bona fide division or partition of land by deed or other instrument where the land

421 use authority expressly approves in writing the division in anticipation of further land use

422 approvals on the parcel or parcels;

423 (vi) a parcel boundary adjustment;

424 (vii) a lot line adjustment;

425 (viii) a road, street, or highway dedication plat; or

426 (ix) a deed or easement for a road, street, or highway purpose.

427 (d) The joining of a subdivided parcel of property to another parcel of property that has

428 not been subdivided does not constitute a subdivision under this Subsection (65) as to the

429 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's

430 subdivision ordinance.

431 (66) "Subdivision amendment" means an amendment to a recorded subdivision in

432 accordance with Section 10-9a-608 that:

433 (a) vacates all or a portion of the subdivision;

434 (b) alters the outside boundary of the subdivision;

435 (c) changes the number of lots within the subdivision;

(d) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or

(e) alters a common area or other common amenity within the subdivision.

(67) "Suspect soil" means soil that has:

(a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;

(b) bedrock units with high shrink or swell susceptibility; or

(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

(68) "Therapeutic school" means a residential group living facility:

(a) for four or more individuals who are not related to:

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

(b) that serves students who have a history of failing to function:

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

(B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

(69) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

(70) "Unincorporated" means the area outside of the incorporated area of a city or town.

(71) "Water interest" means any right to the beneficial use of water, including:

(a) each of the rights listed in Section 73-1-11; and

(b) an ownership interest in the right to the beneficial use of water represented by:

(i) a contract; or

(ii) a share in a water company, as defined in Section 73-3-3.5.

(72) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 2. Section **10-9a-505.5** is amended to read:

10-9a-505.5. Limit on single family designation.

(1) As used in this section, "single-family limit" means the number of [unrelated] individuals allowed to occupy each residential unit that is recognized by a land use authority in a zone permitting occupancy by a single family.

(2) A municipality may not adopt a single-family limit that is less than:

(a) three, if the municipality has within its boundary:

(i) a state university; or

(ii) a private university with a student population of at least 20,000; or

(b) four, for each other municipality.

Section 3. Section **10-9A-514.5** is enacted to read:

10-9A-514.5. Internal accessory dwelling units.

(1) As used in this section, "internal accessory dwelling unit" means a habitable living unit created within a primary owner-occupied single-family dwelling.

(2) The use of an internal accessory dwelling unit is a permitted use in any zone or area permitting accessory dwelling units, if the internal accessory dwelling unit complies with all applicable:

(a) land use ordinances;

(b) building codes; and

(c) fire codes.

Section 4. Section **15A-3-202** is amended to read:

15A-3-202. Amendments to Chapters 1 through 5 of IRC.

(1) In IRC, Section R102, a new Section R102.7.2 is added as follows: "R102.7.2 Physical change for bedroom window egress. A structure whose egress window in an existing bedroom is smaller than required by this code, and that complied with the construction code in effect at the time that the bedroom was finished, is not required to undergo a physical change to conform to this code if the change would compromise the structural integrity of the structure or

could not be completed in accordance with other applicable requirements of this code, including setback and window well requirements."

(2) In IRC, Section R108.3, the following sentence is added at the end of the section:

"The building official shall not request proprietary information."

(3) In IRC, Section 109:

(a) A new IRC, Section 109.1.5, is added as follows: "R109.1.5 Weather-resistant exterior wall envelope inspections. An inspection shall be made of the weather-resistant exterior wall envelope as required by Section R703.1 and flashings as required by Section R703.8 to prevent water from entering the weather-resistive barrier."

(b) The remaining sections are renumbered as follows: R109.1.6 Other inspections; R109.1.6.1 Fire- and smoke-resistance-rated construction inspection; R109.1.6.2 Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection; and R109.1.7 Final inspection.

(4) IRC, Section R114.1, is deleted and replaced with the following: "R114.1 Notice to owner. Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work; and shall state the conditions under which work will be permitted to resume."

(5) In IRC, Section R202, the following definition is added: "ACCESSORY DWELLING UNIT: A habitable living unit created within a primary owner-occupied single-family dwelling."

~~[(5)]~~ (6) In IRC, Section R202, the following definition is added: "CERTIFIED BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Utah Code, Subsection 19-4-104(4)."

~~[(6)]~~ (7) In IRC, Section R202, the definition of "Cross Connection" is deleted and replaced with the following: "CROSS CONNECTION. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam,

gas, or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow, Water Distribution")."

~~(7)~~ (8) In IRC, Section 202, in the definition for gray water a comma is inserted after the word "washers"; the word "and" is deleted; and the following is added to the end: "and clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible; without objectionable odors; non-highly pigmented; and will not interfere with the operation of the sewer treatment facility."

~~(8)~~ (9) In IRC, Section R202, the definition of "Potable Water" is deleted and replaced with the following: "POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Utah Code, Title 19, Chapter 4, Safe Drinking Water Act, and Title 19, Chapter 5, Water Quality Act, and the regulations of the public health authority having jurisdiction."

~~(9)~~ (10) IRC, Figure R301.2(5), is deleted and replaced with R301.2(5) as follows:

"TABLE R301.2(5)			
GROUND SNOW LOADS FOR SELECTED LOCATIONS IN UTAH			
City/Town	County	Ground Snow Load (lb/ft ²)	Elevation (ft)
Beaver	Beaver	35	5886
Brigham City	Box Elder	42	4423
Castle Dale	Emery	32	5669
Coalville	Summit	57	5581
Duchesne	Duchesne	39	5508
Farmington	Davis	35	4318
Fillmore	Millard	30	5138
Heber City	Wasatch	60	5604
Junction	Piute	27	6030
Kanab	Kane	25	4964
Loa	Wayne	37	7060
Logan	Cache	43	4531
Manila	Daggett	26	6368

559	Manti	Sanpete	37	5620
560	Moab	Grand	21	4029
561	Monticello	San Juan	67	7064
562	Morgan	Morgan	52	5062
563	Nephi	Juab	39	5131
564	Ogden	Weber	37	4334
565	Panguitch	Garfield	41	6630
566	Parowan	Iron	32	6007
567	Price	Carbon	31	5558
568	Provo	Utah	31	4541
569	Randolph	Rich	50	6286
570	Richfield	Sevier	27	5338
571	St. George	Washington	21	2585
572	Salt Lake City	Salt Lake	28	4239
573	Tooele	Tooele	35	5029
574	Vernal	Uintah	39	5384

575 Note: To convert lb/ft² to kN/m², multiply by 0.0479. To convert feet to meters, multiply by 0.3048.

1. Statutory requirements of the Authority Having Jurisdiction are not included in this state ground snow load table.

2. For locations where there is substantial change in altitude over the city/town, the load applies at and below the cited elevation, with a tolerance of 100 ft (30 m).

3. For other locations in Utah, see Bean, B., Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for ground snow load values.

576 ~~[(10)]~~ (11) IRC, Section R301.6, is deleted and replaced with the following: "R301.6
 577 Utah Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the
 578 jurisdictions identified in that table. Otherwise, for other locations in Utah, see Bean, B.,
 579 Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and

580 Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for
581 ground snow load values."

582 ~~[(11)]~~ (12) In IRC, Section R302.2, the following sentence is added after the second
583 sentence: "When an access/maintenance agreement or easement is in place, plumbing,
584 mechanical ducting, schedule 40 steel gas pipe, and electric service conductors including
585 feeders, are permitted to penetrate the common wall at grade, above grade, or below grade."

586 (13) In IRC, Section R302.3, a new exception 3 is added as follows: "3. Accessory
587 dwelling units separated by wall and floor assemblies protected by not less than 1/2-inch (12.7
588 mm) gypsum board or equivalent are exempt from the requirements of this section."

589 ~~[(12)]~~ (14) In IRC, Section R302.5.1, the words "self-closing device" are deleted and
590 replaced with "self-latching hardware."

591 ~~[(13)]~~ (15) IRC, Section R302.13, is deleted.

592 ~~[(14)]~~ (16) In IRC, Section R303.4, the number "5" is changed to "3" in the first
593 sentence.

594 (17) In IRC, Section R310.6, in the exception, the words "or accessory dwelling units"
595 are added after the words "sleeping rooms".

596 ~~[(15)]~~ (18) IRC, Sections R311.7.4 through R311.7.5.3, are deleted and replaced with
597 the following: "R311.7.4 Stair treads and risers. R311.7.5.1 Riser height. The maximum riser
598 height shall be 8 inches (203 mm). The riser shall be measured vertically between leading
599 edges of the adjacent treads. The greatest riser height within any flight of stairs shall not
600 exceed the smallest by more than 3/8 inch (9.5 mm).

601 R311.7.5.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread
602 depth shall be measured horizontally between the vertical planes of the foremost projection of
603 adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within
604 any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder
605 treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point
606 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a
607 minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the
608 greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by
609 more than 3/8 inch (9.5 mm).

610 R311.7.5.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater

than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions.

1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less."

~~[(16)]~~ (19) IRC, Section R312.2, is deleted.

~~[(17)]~~ (20) IRC, Sections R313.1 through R313.2.1, are deleted and replaced with the following: "R313.1 Design and installation. When installed, automatic residential fire sprinkler systems for townhouses or one- and two-family dwellings shall be designed and installed in accordance with Section P2904 or NFPA 13D."

(21) In IRC, Section R314.2.2, the words "or accessory dwelling units" are added after the words "sleeping rooms".

(22) In IRC, Section R315.2.2, the words "or accessory dwelling units" are added after the words "sleeping rooms".

~~[(18)]~~ (23) In IRC, Section 315.3, the following words are added to the first sentence after the word "installed": "on each level of the dwelling unit and."

~~[(19)]~~ (24) In IRC, Section R315.5, a new exception, 3, is added as follows:

"3. Hard wiring of carbon monoxide alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring, without the removal of interior finishes."

~~[(20)]~~ (25) A new IRC, Section R315.7, is added as follows: " R315.7 Interconnection. Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit in accordance with Section R315.1, the alarm devices shall be interconnected in

such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes."

~~[(21)]~~ (26) In IRC, Section R317.1.5, the period is deleted and the following language is added to the end of the paragraph: "or treated with a moisture resistant coating."

~~[(22)]~~ (27) In IRC, Section 326.1, the words "residential provisions of the" are added after the words "pools and spas shall comply with".

~~[(23)]~~ (28) In IRC, Section R403.1.6, a new Exception 3 is added as follows: " 3. When anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines, and at all exterior walls."

~~[(24)]~~ (29) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2 and Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines, and at all exterior walls."

~~[(25)]~~ (30) In IRC, Section R404.1, a new exception is added as follows: "Exception: As an alternative to complying with Sections R404.1 through R404.1.5.3, concrete and masonry foundation walls may be designed in accordance with IBC Sections 1807.1.5 and 1807.1.6 as amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

~~[(26)]~~ (31) In IRC, Section R405.1, a new exception is added as follows: "Exception: When a geotechnical report has been provided for the property, a drainage system is not required unless the drainage system is required as a condition of the geotechnical report. The geological report shall make a recommendation regarding a drainage system."

Section 5. Section **15A-3-204** is amended to read:

15A-3-204. Amendments to Chapters 16 through 25 of IRC.

(1) In IRC, Section M1602.2, a new exception is added at the end of Item 6 as follows:
"Exception: The discharge of return air from an accessory dwelling unit into another dwelling
unit, or into an accessory dwelling unit from another dwelling unit, is not prohibited.

(2) A new IRC, Section G2401.2, is added as follows: "G2401.2 Meter Protection.
 Fuel gas services shall be in an approved location and/or provided with structures designed to
 protect the fuel gas meter and surrounding piping from physical damage, including falling,
 moving, or migrating ice and snow. If an added structure is used, it must provide access for
 service and comply with the IBC or the IRC."

Section 6. Section **15A-3-206** is amended to read:

15A-3-206. Amendments to Chapters 36 through 44 and Appendix F of IRC.

(1) In IRC, Section E3601.6.2, a new exception is added as follows: "Exception: An
occupant of an accessory dwelling unit is not required to have access to the disconnect serving
the dwelling unit in which they reside."

~~(1)~~ (2) In IRC, Section E3705.4.5, the following words are added after the word
 "assemblies": "with ungrounded conductors 10 AWG and smaller".

~~(2)~~ (3) In IRC, Section E3901.9, the following exception is added:
 "Exception: Receptacles or other outlets adjacent to the exterior walls of the garage, outlets
 adjacent to an exterior wall of the garage, or outlets in a storage room with entry from the
 garage may be connected to the garage branch circuit."

~~(3)~~ (4) IRC, Section E3902.16 is deleted.

~~(4)~~ (5) In Section E3902.17:

(a) following the word "Exception" the number "1." is added; and

(b) at the end of the section, the following sentences are added:
 "2. This section does not apply for a simple move or an extension of a branch circuit or an
 outlet which does not significantly increase the existing electrical load. This exception does
 not include changes involving remodeling or additions to a residence."

~~(5)~~ (6) IRC, Chapter 44, is amended by adding the following reference standard:

Standard reference number	Title	Referenced in code section number
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701	USC-FCCCHR 10th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Table P2902.3"
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702 ~~[(6)]~~ (7) (a) When passive radon controls or portions thereof are voluntarily installed,
703 the voluntary installation shall comply with Appendix F of the IRC.

704 (b) An additional inspection of a voluntary installation described in Subsection ~~[(6)]~~
705 (7)(a) is not required.

706 Section 7. Section **17-27a-103** is amended to read:

707 **17-27a-103. Definitions.**

708 As used in this chapter:

709 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
710 detached from a primary owner-occupied single-family dwelling and contained on one lot.

711 (2) "Adversely affected party" means a person other than a land use applicant who:

712 (a) owns real property adjoining the property that is the subject of a land use
713 application or land use decision; or

714 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
715 general community as a result of the land use decision.

716 (3) "Affected entity" means a county, municipality, local district, special service
717 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
718 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
719 property owner, property owners association, public utility, or the Utah Department of
720 Transportation, if:

721 (a) the entity's services or facilities are likely to require expansion or significant
722 modification because of an intended use of land;

723 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
724 or

725 (c) the entity has filed with the county a request for notice during the same calendar
726 year and before the county provides notice to an affected entity in compliance with a
727 requirement imposed under this chapter.

728 (4) "Affected owner" means the owner of real property that is:

(a) a single project;

(b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(5)(a); and

(c) determined to be legally referable under Section 20A-7-602.8.

(5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(7) (a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that has its application approved by a charter school authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
(iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(b) "Charter school" does not include a therapeutic school.

(8) "Chief executive officer" means the person or body that exercises the executive powers of the county.

(9) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(10) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

(a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

(b) Utah Constitution, Article I, Section 22.

(11) "County utility easement" means an easement that:

(a) a plat recorded in a county recorder's office described as a county utility easement or otherwise as a utility easement;

(b) is not a protected utility easement or a public utility easement as defined in Section

760 54-3-27;

761 (c) the county or the county's affiliated governmental entity owns or creates; and

762 (d) (i) either:

763 (A) no person uses or occupies; or

764 (B) the county or the county's affiliated governmental entity uses and occupies to
765 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
766 communications or data lines; or

767 (ii) a person uses or occupies with or without an authorized franchise or other
768 agreement with the county.

769 (12) "Culinary water authority" means the department, agency, or public entity with
770 responsibility to review and approve the feasibility of the culinary water system and sources for
771 the subject property.

772 (13) "Development activity" means:

773 (a) any construction or expansion of a building, structure, or use that creates additional
774 demand and need for public facilities;

775 (b) any change in use of a building or structure that creates additional demand and need
776 for public facilities; or

777 (c) any change in the use of land that creates additional demand and need for public
778 facilities.

779 (14) (a) "Disability" means a physical or mental impairment that substantially limits
780 one or more of a person's major life activities, including a person having a record of such an
781 impairment or being regarded as having such an impairment.

782 (b) "Disability" does not include current illegal use of, or addiction to, any federally
783 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
784 Sec. 802.

785 (15) "Educational facility":

786 (a) means:

787 (i) a school district's building at which pupils assemble to receive instruction in a
788 program for any combination of grades from preschool through grade 12, including
789 kindergarten and a program for children with disabilities;

790 (ii) a structure or facility:

791 (A) located on the same property as a building described in Subsection (15)(a)(i); and

792 (B) used in support of the use of that building; and

793 (iii) a building to provide office and related space to a school district's administrative
794 personnel; and

795 (b) does not include:

796 (i) land or a structure, including land or a structure for inventory storage, equipment
797 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

798 (A) not located on the same property as a building described in Subsection (15)(a)(i);
799 and

800 (B) used in support of the purposes of a building described in Subsection (15)(a)(i); or

801 (ii) a therapeutic school.

802 (16) "Fire authority" means the department, agency, or public entity with responsibility
803 to review and approve the feasibility of fire protection and suppression services for the subject
804 property.

805 (17) "Flood plain" means land that:

806 (a) is within the 100-year flood plain designated by the Federal Emergency
807 Management Agency; or

808 (b) has not been studied or designated by the Federal Emergency Management Agency
809 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
810 the land has characteristics that are similar to those of a 100-year flood plain designated by the
811 Federal Emergency Management Agency.

812 (18) "Gas corporation" has the same meaning as defined in Section 54-2-1.

813 (19) "General plan" means a document that a county adopts that sets forth general
814 guidelines for proposed future development of:

815 (a) the unincorporated land within the county; or

816 (b) for a mountainous planning district, the land within the mountainous planning
817 district.

818 (20) "Geologic hazard" means:

819 (a) a surface fault rupture;

820 (b) shallow groundwater;

821 (c) liquefaction;

- 822 (d) a landslide;
- 823 (e) a debris flow;
- 824 (f) unstable soil;
- 825 (g) a rock fall; or
- 826 (h) any other geologic condition that presents a risk:
- 827 (i) to life;
- 828 (ii) of substantial loss of real property; or
- 829 (iii) of substantial damage to real property.
- 830 (21) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 831 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 832 system.
- 833 (22) "Identical plans" means building plans submitted to a county that:
- 834 (a) are clearly marked as "identical plans";
- 835 (b) are substantially identical building plans that were previously submitted to and
- 836 reviewed and approved by the county; and
- 837 (c) describe a building that:
- 838 (i) is located on land zoned the same as the land on which the building described in the
- 839 previously approved plans is located;
- 840 (ii) is subject to the same geological and meteorological conditions and the same law
- 841 as the building described in the previously approved plans;
- 842 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 843 and approved by the county; and
- 844 (iv) does not require any additional engineering or analysis.
- 845 (23) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 846 Impact Fees Act.
- 847 (24) "Improvement completion assurance" means a surety bond, letter of credit,
- 848 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 849 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 850 required as a condition precedent to:
- 851 (a) recording a subdivision plat; or
- 852 (b) development of a commercial, industrial, mixed use, or multifamily project.

(25) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

(a) complies with the county's written standards for design, materials, and workmanship; and

(b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

(26) "Improvement warranty period" means a period:

(a) no later than one year after a county's acceptance of required landscaping; or

(b) no later than one year after a county's acceptance of required infrastructure, unless the county:

(i) determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil.

(27) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

(a) is required for human consumption; and

(b) an applicant must install:

(i) in accordance with published installation and inspection specifications for public improvements; and

(ii) as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) developing a commercial, industrial, mixed use, condominium, or multifamily project.

(28) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

(b) (i) creates a restriction that is enclosed within the perimeter of a lot described on

884 the plat; or

885 (ii) designates a development condition that is enclosed within the perimeter of a lot
886 described on the plat.

887 (29) "Interstate pipeline company" means a person or entity engaged in natural gas
888 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
889 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

890 (30) "Intrastate pipeline company" means a person or entity engaged in natural gas
891 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
892 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

893 (31) "Land use applicant" means a property owner, or the property owner's designee,
894 who submits a land use application regarding the property owner's land.

895 (32) "Land use application":

896 (a) means an application that is:

897 (i) required by a county; and

898 (ii) submitted by a land use applicant to obtain a land use decision; and

899 (b) does not mean an application to enact, amend, or repeal a land use regulation.

900 (33) "Land use authority" means:

901 (a) a person, board, commission, agency, or body, including the local legislative body,
902 designated by the local legislative body to act upon a land use application; or

903 (b) if the local legislative body has not designated a person, board, commission,
904 agency, or body, the local legislative body.

905 (34) "Land use decision" means an administrative decision of a land use authority or
906 appeal authority regarding:

907 (a) a land use permit;

908 (b) a land use application; or

909 (c) the enforcement of a land use regulation, land use permit, or development
910 agreement.

911 (35) "Land use permit" means a permit issued by a land use authority.

912 (36) "Land use regulation":

913 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
914 specification, fee, or rule that governs the use or development of land;

- 915 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
916 and
- 917 (c) does not include:
- 918 (i) a land use decision of the legislative body acting as the land use authority, even if
919 the decision is expressed in a resolution or ordinance; or
- 920 (ii) a temporary revision to an engineering specification that does not materially:
921 (A) increase a land use applicant's cost of development compared to the existing
922 specification; or
- 923 (B) impact a land use applicant's use of land.
- 924 (37) "Legislative body" means the county legislative body, or for a county that has
925 adopted an alternative form of government, the body exercising legislative powers.
- 926 (38) "Local district" means any entity under Title 17B, Limited Purpose Local
927 Government Entities - Local Districts, and any other governmental or quasi-governmental
928 entity that is not a county, municipality, school district, or the state.
- 929 (39) "Lot" means a tract of land, regardless of any label, that is created by and shown
930 on a subdivision plat that has been recorded in the office of the county recorder.
- 931 (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between
932 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
933 accordance with Section 17-27a-608, with the consent of the owners of record.
- 934 (b) "Lot line adjustment" does not mean a new boundary line that:
- 935 (i) creates an additional lot; or
- 936 (ii) constitutes a subdivision.
- 937 (41) "Major transit investment corridor" means public transit service that uses or
938 occupies:
- 939 (a) public transit rail right-of-way;
- 940 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;
941 or
- 942 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
943 municipality or county and:
- 944 (i) a public transit district as defined in Section 17B-2a-802; or
- 945 (ii) an eligible political subdivision as defined in Section 59-12-2219.

(42) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

(43) "Mountainous planning district" means an area:

(a) designated by a county legislative body in accordance with Section 17-27a-901; and

(b) that is not otherwise exempt under Section 10-9a-304.

(44) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and expenses incurred in:

(a) verifying that building plans are identical plans; and

(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

(45) "Noncomplying structure" means a structure that:

(a) legally existed before its current land use designation; and

(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

(46) "Nonconforming use" means a use of land that:

(a) legally existed before its current land use designation;

(b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and

(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

(47) "Official map" means a map drawn by county authorities and recorded in the county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) has been adopted as an element of the county's general plan.

(48) "Parcel" means any real property that is not a lot created by and shown on a

subdivision plat recorded in the office of the county recorder.

(49) (a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 57-1-45, if no additional parcel is created and:

(i) none of the property identified in the agreement is subdivided land; or

(ii) the adjustment is to the boundaries of a single person's parcels.

(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:

(i) creates an additional parcel; or

(ii) constitutes a subdivision.

(50) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(51) "Plan for moderate income housing" means a written document adopted by a county legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the county;

(b) an estimate of the need for moderate income housing in the county for the next five years;

(c) a survey of total residential land use;

(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

(e) a description of the county's program to encourage an adequate supply of moderate income housing.

(52) "Planning advisory area" means a contiguous, geographically defined portion of the unincorporated area of a county established under this part with planning and zoning functions as exercised through the planning advisory area planning commission, as provided in this chapter, but with no legal or political identity separate from the county and no taxing authority.

(53) "Plat" means a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 17-27a-603 or 57-8-13.

1008 (54) "Potential geologic hazard area" means an area that:

1009 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1010 relevant map or report as needing further study to determine the area's potential for geologic
1011 hazard; or

1012 (b) has not been studied by the Utah Geological Survey or a county geologist but
1013 presents the potential of geologic hazard because the area has characteristics similar to those of
1014 a designated geologic hazard area.

1015 (55) "Public agency" means:

1016 (a) the federal government;

1017 (b) the state;

1018 (c) a county, municipality, school district, local district, special service district, or other
1019 political subdivision of the state; or

1020 (d) a charter school.

1021 (56) "Public hearing" means a hearing at which members of the public are provided a
1022 reasonable opportunity to comment on the subject of the hearing.

1023 (57) "Public meeting" means a meeting that is required to be open to the public under
1024 Title 52, Chapter 4, Open and Public Meetings Act.

1025 (58) "Public street" means a public right-of-way, including a public highway, public
1026 avenue, public boulevard, public parkway, public road, public lane, public alley, public
1027 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1028 easement, or other public way.

1029 (59) "Receiving zone" means an unincorporated area of a county that the county
1030 designates, by ordinance, as an area in which an owner of land may receive a transferable
1031 development right.

1032 (60) "Record of survey map" means a map of a survey of land prepared in accordance
1033 with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

1034 (61) "Residential facility for persons with a disability" means a residence:

1035 (a) in which more than one person with a disability resides; and

1036 (b) (i) which is licensed or certified by the Department of Human Services under Title
1037 62A, Chapter 2, Licensure of Programs and Facilities; or

1038 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter

1039 21, Health Care Facility Licensing and Inspection Act.

1040 (62) "Rules of order and procedure" means a set of rules that govern and prescribe in a
1041 public meeting:

1042 (a) parliamentary order and procedure;

1043 (b) ethical behavior; and

1044 (c) civil discourse.

1045 (63) "Sanitary sewer authority" means the department, agency, or public entity with
1046 responsibility to review and approve the feasibility of sanitary sewer services or onsite
1047 wastewater systems.

1048 (64) "Sending zone" means an unincorporated area of a county that the county
1049 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1050 development right.

1051 (65) "Site plan" means a document or map that may be required by a county during a
1052 preliminary review preceding the issuance of a building permit to demonstrate that an owner's
1053 or developer's proposed development activity meets a land use requirement.

1054 (66) "Specified public agency" means:

1055 (a) the state;

1056 (b) a school district; or

1057 (c) a charter school.

1058 (67) "Specified public utility" means an electrical corporation, gas corporation, or
1059 telephone corporation, as those terms are defined in Section 54-2-1.

1060 (68) "State" includes any department, division, or agency of the state.

1061 (69) "Subdivided land" means the land, tract, or lot described in a recorded subdivision
1062 plat.

1063 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
1064 divided into two or more lots or other division of land for the purpose, whether immediate or
1065 future, for offer, sale, lease, or development either on the installment plan or upon any and all
1066 other plans, terms, and conditions.

1067 (b) "Subdivision" includes:

1068 (i) the division or development of land whether by deed, metes and bounds description,
1069 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division

1070 includes all or a portion of a parcel or lot; and

1071 (ii) except as provided in Subsection (70)(c), divisions of land for residential and

1072 nonresidential uses, including land used or to be used for commercial, agricultural, and

1073 industrial purposes.

1074 (c) "Subdivision" does not include:

1075 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1076 (ii) an agreement recorded with the county recorder's office between owners of

1077 adjoining properties adjusting the mutual boundary by a boundary line agreement in accordance

1078 with Section 57-1-45 if:

1079 (A) no new lot is created; and

1080 (B) the adjustment does not violate applicable land use ordinances;

1081 (iii) a recorded document, executed by the owner of record:

1082 (A) revising the legal description of more than one contiguous parcel of property that is

1083 not subdivided land into one legal description encompassing all such parcels of property; or

1084 (B) joining a subdivided parcel of property to another parcel of property that has not

1085 been subdivided, if the joinder does not violate applicable land use ordinances;

1086 (iv) a bona fide division or partition of land in a county other than a first class county

1087 for the purpose of siting, on one or more of the resulting separate parcels:

1088 (A) an electrical transmission line or a substation;

1089 (B) a natural gas pipeline or a regulation station; or

1090 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other

1091 utility service regeneration, transformation, retransmission, or amplification facility;

1092 (v) an agreement between owners of adjoining subdivided properties adjusting the

1093 mutual lot line boundary in accordance with Section 10-9a-603 if:

1094 (A) no new dwelling lot or housing unit will result from the adjustment; and

1095 (B) the adjustment will not violate any applicable land use ordinance;

1096 (vi) a bona fide division or partition of land by deed or other instrument where the land

1097 use authority expressly approves in writing the division in anticipation of further land use

1098 approvals on the parcel or parcels;

1099 (vii) a parcel boundary adjustment;

1100 (viii) a lot line adjustment;

- 1101 (ix) a road, street, or highway dedication plat; or
1102 (x) a deed or easement for a road, street, or highway purpose.
- 1103 (d) The joining of a subdivided parcel of property to another parcel of property that has
1104 not been subdivided does not constitute a subdivision under this Subsection (70) as to the
1105 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision
1106 ordinance.
- 1107 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
1108 accordance with Section 17-27a-608 that:
- 1109 (a) vacates all or a portion of the subdivision;
1110 (b) alters the outside boundary of the subdivision;
1111 (c) changes the number of lots within the subdivision;
1112 (d) alters a public right-of-way, a public easement, or public infrastructure within the
1113 subdivision; or
1114 (e) alters a common area or other common amenity within the subdivision.
- 1115 (72) "Suspect soil" means soil that has:
- 1116 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1117 3% swell potential;
1118 (b) bedrock units with high shrink or swell susceptibility; or
1119 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1120 commonly associated with dissolution and collapse features.
- 1121 (73) "Therapeutic school" means a residential group living facility:
- 1122 (a) for four or more individuals who are not related to:
- 1123 (i) the owner of the facility; or
1124 (ii) the primary service provider of the facility;
- 1125 (b) that serves students who have a history of failing to function:
- 1126 (i) at home;
1127 (ii) in a public school; or
1128 (iii) in a nonresidential private school; and
1129 (c) that offers:
- 1130 (i) room and board; and
1131 (ii) an academic education integrated with:

1132 (A) specialized structure and supervision; or

1133 (B) services or treatment related to a disability, an emotional development, a
1134 behavioral development, a familial development, or a social development.

1135 (74) "Transferable development right" means a right to develop and use land that
1136 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1137 land use rights from a designated sending zone to a designated receiving zone.

1138 (75) "Unincorporated" means the area outside of the incorporated area of a
1139 municipality.

1140 (76) "Water interest" means any right to the beneficial use of water, including:

1141 (a) each of the rights listed in Section 73-1-11; and

1142 (b) an ownership interest in the right to the beneficial use of water represented by:

1143 (i) a contract; or

1144 (ii) a share in a water company, as defined in Section 73-3-3.5.

1145 (77) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
1146 land use zones, overlays, or districts.

1147 Section 8. Section **17-27a-505.5** is amended to read:

1148 **17-27a-505.5. Limit on single family designation.**

1149 (1) As used in this section, "single-family limit" means the number of [unrelated]
1150 individuals allowed to occupy each residential unit that is recognized by a land use authority in
1151 a zone permitting occupancy by a single family.

1152 (2) A county may not adopt a single-family limit that is less than:

1153 (a) three, if the county has within its unincorporated area:

1154 (i) a state university;

1155 (ii) a private university with a student population of at least 20,000; or

1156 (iii) a mountainous planning district; or

1157 (b) four, for each other county.

1158 Section 9. Section **17-27A-513.5** is enacted to read:

1159 **17-27A-513.5. Internal accessory dwelling units.**

1160 (1) As used in this section, "internal accessory dwelling unit" means a habitable living
1161 unit created within a primary owner-occupied single-family dwelling.

1162 (2) The use of an internal accessory dwelling unit is a permitted use in any zone or area

1163 permitting accessory dwelling units, if the internal accessory dwelling unit complies with all
1164 applicable:

1165 (a) land use ordinances;

1166 (b) building codes; and

1167 (c) fire codes.

1168 Section 10. Section **35A-8-504.5** is enacted to read:

1169 **35A-8-504.5. ADU loan guarantee program.**

1170 (1) As used in this section:

1171 (a) "Accessory dwelling unit" means the same as that term is defined in Section
1172 10-9a-103.

1173 (b) "ADU loan" means a loan made by a lender to a borrower for the purpose of
1174 financing the construction of an accessory dwelling unit on the borrower's residential property.

1175 (c) "Borrower" means a residential property owner who receives an ADU loan from a
1176 lender.

1177 (d) "Lender" means a trust company, savings bank, savings and loan association, bank,
1178 credit union, or any other entity that provides ADU loans directly to borrowers.

1179 (2) The executive director shall establish a program to provide loan guarantees on
1180 behalf of borrowers for the purpose of insuring the repayment of ADU loans.

1181 (3) The executive director may not provide a loan guarantee for an ADU loan under
1182 this section unless:

1183 (a) the ADU loan:

1184 (i) has a term of 15 years; and

1185 (ii) charges interest at a fixed-rate; and

1186 (b) the borrower:

1187 (i) agrees in writing to participate in the loan guarantee program;

1188 (ii) constructs an accessory dwelling unit on the borrower's residential property within
1189 one year after the day on which the borrower receives the ADU loan;

1190 (iii) occupies the primary residence to which the accessory dwelling unit is associated:

1191 (A) after the accessory dwelling unit is completed; and

1192 (B) for the remainder of the term of the ADU loan; and

1193 (iv) rents the accessory dwelling unit to an individual whose household income is less

1194 than 65% of the area median income:
1195 (A) after the accessory dwelling unit is completed; and
1196 (B) for the remainder of the term of the ADU loan; and
1197 (c) the lender:
1198 (i) agrees in writing to participate in the loan guarantee program;
1199 (ii) monitors the activities of the borrower on a yearly basis during the term of the
1200 ADU loan to ensure the borrower's compliance with:
1201 (A) Subsection (3)(b); and
1202 (B) any other term or condition of the ADU loan; and
1203 (iii) promptly notifies the executive director in writing if the borrower fails to comply
1204 with:
1205 (A) Subsection (3)(b); or
1206 (B) any other term or condition of the ADU loan.
1207 (4) At the direction of the board, the executive director shall make rules in accordance
1208 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
1209 (a) the minimum criteria for lenders and borrowers to participate in the loan guarantee
1210 program;
1211 (b) the terms and conditions for loan guarantees provided under this section, consistent
1212 with Subsection (3); and
1213 (c) procedures for the loan guarantee process.
1214 Section 11. Section **35A-8-505** is amended to read:
1215 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**
1216 **director.**
1217 At the direction of the board, the executive director may:
1218 (1) provide fund money to any of the following activities:
1219 (a) the acquisition, rehabilitation, or new construction of low-income housing units;
1220 (b) matching funds for social services projects directly related to providing housing for
1221 special-need renters in assisted projects;
1222 (c) the development and construction of accessible housing designed for low-income
1223 persons;
1224 (d) the construction or improvement of a shelter or transitional housing facility that

1225 provides services intended to prevent or minimize homelessness among members of a specific
1226 homeless subpopulation;

1227 (e) the purchase of an existing facility to provide temporary or transitional housing for
1228 the homeless in an area that does not require rezoning before providing such temporary or
1229 transitional housing;

1230 (f) the purchase of land that will be used as the site of low-income housing units;

1231 (g) the preservation of existing affordable housing units for low-income persons; ~~[and]~~

1232 (h) providing loan guarantees under Section 35A-8-504.5; and

1233 ~~[(h)]~~ (i) other activities that will assist in minimizing homelessness or improving the
1234 availability or quality of housing in the state for low-income persons; and

1235 (2) do any act necessary or convenient to the exercise of the powers granted by this part
1236 or reasonably implied from those granted powers, including:

1237 (a) making or executing contracts and other instruments necessary or convenient for
1238 the performance of the executive director and board's duties and the exercise of the executive
1239 director and board's powers and functions under this part, including contracts or agreements for
1240 the servicing and originating of mortgage loans;

1241 (b) procuring insurance against a loss in connection with property or other assets held
1242 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

1243 (c) entering into agreements with a department, agency, or instrumentality of the
1244 United States or this state and with mortgagors and mortgage lenders for the purpose of
1245 planning and regulating and providing for the financing and refinancing, purchase,
1246 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,
1247 or other disposition of residential housing undertaken with the assistance of the department
1248 under this part;

1249 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,
1250 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or
1251 personal property obtained by the fund due to the default on a mortgage loan held by the fund
1252 in preparation for disposition of the property, taking assignments of leases and rentals,
1253 proceeding with foreclosure actions, and taking other actions necessary or incidental to the
1254 performance of its duties; and

1255 (e) selling, at a public or private sale, with public bidding, a mortgage or other

1256 obligation held by the fund.

1257 Section 12. Section **57-8-8.1** is amended to read:

1258 **57-8-8.1. Equal treatment by rules required -- Limits on rules.**

1259 (1) (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated unit
1260 owners similarly.

1261 (b) Notwithstanding Subsection (1)(a), a rule may:

1262 (i) vary according to the level and type of service that the association of unit owners
1263 provides to unit owners;

1264 (ii) differ between residential and nonresidential uses; or

1265 (iii) for a unit that a unit owner leases for a term of less than 30 days, impose a
1266 reasonable limit on the number of individuals that may use the common areas and facilities as
1267 the rental unit tenant's guest or as the unit owner's guest.

1268 (2) (a) If a unit owner owns a rental unit and is in compliance with the association of
1269 unit owners' governing documents and any rule that the association of unit owners adopts under
1270 Subsection (4), a rule may not treat the unit owner differently because the unit owner owns a
1271 rental unit.

1272 (b) Notwithstanding Subsection (2)(a), a rule may:

1273 (i) limit or prohibit a rental unit owner from using the common areas and facilities for
1274 purposes other than attending an association meeting or managing the rental unit;

1275 (ii) if the rental unit owner retains the right to use the association of unit owners'
1276 common areas and facilities, even occasionally:

1277 (A) charge a rental unit owner a fee to use the common areas and facilities; and

1278 (B) for a unit that a unit owner leases for a term of less than 30 days, impose a
1279 reasonable limit on the number of individuals that may use the common areas and facilities as
1280 the rental unit tenant's guest or as the unit owner's guest; or

1281 (iii) include a provision in the association of unit owners' governing documents that:

1282 (A) requires each tenant of a rental unit to abide by the terms of the governing
1283 documents; and

1284 (B) holds the tenant and the rental unit owner jointly and severally liable for a violation
1285 of a provision of the governing documents.

1286 (3) (a) A rule may not interfere with the freedom of a unit owner to determine the

1287 composition of the unit owner's household.

1288 (b) Notwithstanding Subsection (3)(a), an association of unit owners may:

1289 (i) require that all occupants of a dwelling be members of a single housekeeping unit;

1290 or

1291 (ii) limit the total number of occupants permitted in each residential dwelling on the

1292 basis of the residential dwelling's:

1293 (A) size and facilities; and

1294 (B) fair use of the common areas and facilities.

1295 (4) Unless contrary to a declaration, a rule may require a minimum lease term.

1296 (5) Unless otherwise provided in the declaration, an association of unit owners may by

1297 rule:

1298 (a) regulate the use, maintenance, repair, replacement, and modification of common

1299 areas and facilities;

1300 (b) impose and receive any payment, fee, or charge for:

1301 (i) the use, rental, or operation of the common areas, except limited common areas and

1302 facilities; and

1303 (ii) a service provided to a unit owner;

1304 (c) impose a charge for a late payment of an assessment; or

1305 (d) provide for the indemnification of the association of unit owners' officers and

1306 management committee consistent with Title 16, Chapter 6a, Utah Revised Nonprofit

1307 Corporation Act.

1308 (6) (a) Except as provided in Subsection (6)(b), a rule may not prohibit a unit owner

1309 from constructing an internal accessory dwelling unit, as defined in Section 10-9a-514.5,

1310 within the unit owner's unit.

1311 (b) Subsection (6)(a) does not apply if the construction would violate:

1312 (i) a local land use ordinance;

1313 (ii) a building code; or

1314 (iii) a fire code.

1315 ~~[(6)]~~ (7) A rule shall be reasonable.

1316 ~~[(7)]~~ (8) A declaration, or an amendment to a declaration, may vary any of the

1317 requirements of Subsections (1) through (5), except Subsection (1)(b)(ii).

1318 ~~[(8)]~~ (9) This section applies to an association of unit owners regardless of when the
1319 association of unit owners is created.

1320 Section 13. Section **57-8-10.1** is amended to read:

1321 **57-8-10.1. Rental restrictions.**

1322 (1) (a) Subject to Subsections (1)(b), (5), and (6), an association of unit owners may:

1323 (i) create restrictions on the number and term of rentals in a condominium project; or

1324 (ii) prohibit rentals in the condominium project.

1325 (b) An association of unit owners that creates a rental restriction or prohibition in

1326 accordance with Subsection (1)(a) shall create the rental restriction or prohibition in a

1327 declaration or by amending the declaration.

1328 (2) If an association of unit owners prohibits or imposes restrictions on the number and

1329 term of rentals, the restrictions shall include:

1330 (a) a provision that requires a condominium project to exempt from the rental

1331 restrictions the following unit owner and the unit owner's unit:

1332 (i) a unit owner in the military for the period of the unit owner's deployment;

1333 (ii) a unit occupied by a unit owner's parent, child, or sibling;

1334 (iii) a unit owner whose employer has relocated the unit owner for two years or less;

1335 (iv) a unit owned by an entity that is occupied by an individual who:

1336 (A) has voting rights under the entity's organizing documents; and

1337 (B) has a 25% or greater share of ownership, control, and right to profits and losses of

1338 the entity; or

1339 (v) a unit owned by a trust or other entity created for estate planning purposes if the

1340 trust or other estate planning entity was created for the estate of:

1341 (A) a current resident of the unit; or

1342 (B) the parent, child, or sibling of the current resident of the unit;

1343 (b) a provision that allows a unit owner who has a rental in the condominium project

1344 before the time the rental restriction described in Subsection (1)(a) is recorded with the county

1345 recorder of the county in which the condominium project is located to continue renting until:

1346 (i) the unit owner occupies the unit;

1347 (ii) an officer, owner, member, trustee, beneficiary, director, or person holding a

1348 similar position of ownership or control of an entity or trust that holds an ownership interest in

1349 the unit, occupies the unit; or
1350 (iii) the unit is transferred; and
1351 (c) a requirement that the association of unit owners create, by rule or resolution,
1352 procedures to:
1353 (i) determine and track the number of rentals and units in the condominium project
1354 subject to the provisions described in Subsections (2)(a) and (b); and
1355 (ii) ensure consistent administration and enforcement of the rental restrictions.
1356 (3) For purposes of Subsection (2)(b)(iii), a transfer occurs when one or more of the
1357 following occur:
1358 (a) the conveyance, sale, or other transfer of a unit by deed;
1359 (b) the granting of a life estate in the unit; or
1360 (c) if the unit is owned by a limited liability company, corporation, partnership, or
1361 other business entity, the sale or transfer of more than 75% of the business entity's share, stock,
1362 membership interests, or partnership interests in a 12-month period.
1363 (4) This section does not limit or affect residency age requirements for an association
1364 of unit owners that complies with the requirements of the Housing for Older Persons Act, 42
1365 U.S.C. Sec. 3607.
1366 (5) A declaration or amendment to a declaration recorded before transfer of the first
1367 unit from the initial declarant may prohibit or restrict rentals without providing for the
1368 exceptions, provisions, and procedures required under Subsection (2).
1369 (6) (a) Subsections (1) through (5) do not apply to:
1370 (i) a condominium project that contains a time period unit as defined in Section 57-8-3;
1371 (ii) any other form of timeshare interest as defined in Section 57-19-2; ~~or~~
1372 (iii) subject to Subsection (6)(b), a condominium project in which the initial
1373 declaration is recorded before May 12, 2009, unless, on or after May 12, 2015, the association
1374 of unit owners:
1375 (A) adopts a rental restriction or prohibition; or
1376 (B) amends an existing rental restriction or prohibition~~[-]; or~~
1377 (iv) an internal accessory dwelling unit, as defined in Section 10-9a-514.5, constructed
1378 within a unit, if the internal accessory dwelling unit complies with all applicable:
1379 (A) land use ordinances;

1380 (B) building codes; and

1381 (C) fire codes.

1382 (b) An association that adopts a rental restriction or amends an existing rental
1383 restriction or prohibition before May 9, 2017, is not required to include the exemption
1384 described in Subsection (2)(a)(iv).

1385 (7) Notwithstanding this section, an association of unit owners may restrict or prohibit
1386 rentals without an exception described in Subsection (2) if:

1387 (a) the restriction or prohibition receives unanimous approval by all unit owners; and

1388 (b) when the restriction or prohibition requires an amendment to the association of unit
1389 owners' declaration, the association of unit owners fulfills all other requirements for amending
1390 the declaration described in the association of unit owners' governing documents.

1391 (8) Except as provided in Subsection (9), an association of unit owners may not require
1392 a unit owner who owns a rental unit to:

1393 (a) obtain the association of unit owners' approval of a prospective renter;

1394 (b) give the association of unit owners:

1395 (i) a copy of a rental application;

1396 (ii) a copy of a renter's or prospective renter's credit information or credit report;

1397 (iii) a copy of a renter's or prospective renter's background check; or

1398 (iv) documentation to verify the renter's age; or

1399 (c) pay an additional assessment, fine, or fee because the unit is a rental unit.

1400 (9) (a) A unit owner who owns a rental unit shall give an association of unit owners the
1401 documents described in Subsection (8)(b) if the unit owner is required to provide the
1402 documents by court order or as part of discovery under the Utah Rules of Civil Procedure.

1403 (b) If an association of unit owners' declaration lawfully prohibits or restricts
1404 occupancy of the units by a certain class of individuals, the association of unit owners may
1405 require a unit owner who owns a rental unit to give the association of unit owners the
1406 information described in Subsection (8)(b), if:

1407 (i) the information helps the association of unit owners determine whether the renter's
1408 occupancy of the unit complies with the association of unit owners' declaration; and

1409 (ii) the association of unit owners uses the information to determine whether the
1410 renter's occupancy of the unit complies with the association of unit owners' declaration.

1411 (10) The provisions of Subsections (8) and (9) apply to an association of unit owners
1412 regardless of when the association of unit owners is created.

1413 Section 14. Section **57-8a-209** is amended to read:

1414 **57-8a-209. Rental restrictions.**

1415 (1) (a) Subject to Subsections (1)(b), (5), and (6), an association may:

1416 (i) create restrictions on the number and term of rentals in an association; or

1417 (ii) prohibit rentals in the association.

1418 (b) An association that creates a rental restriction or prohibition in accordance with
1419 Subsection (1)(a) shall create the rental restriction or prohibition in a recorded declaration of
1420 covenants, conditions, and restrictions, or by amending the recorded declaration of covenants,
1421 conditions, and restrictions.

1422 (2) If an association prohibits or imposes restrictions on the number and term of
1423 rentals, the restrictions shall include:

1424 (a) a provision that requires the association to exempt from the rental restrictions the
1425 following lot owner and the lot owner's lot:

1426 (i) a lot owner in the military for the period of the lot owner's deployment;

1427 (ii) a lot occupied by a lot owner's parent, child, or sibling;

1428 (iii) a lot owner whose employer has relocated the lot owner for two years or less;

1429 (iv) a lot owned by an entity that is occupied by an individual who:

1430 (A) has voting rights under the entity's organizing documents; and

1431 (B) has a 25% or greater share of ownership, control, and right to profits and losses of
1432 the entity; or

1433 (v) a lot owned by a trust or other entity created for estate planning purposes if the trust
1434 or other estate planning entity was created for:

1435 (A) the estate of a current resident of the lot; or

1436 (B) the parent, child, or sibling of the current resident of the lot;

1437 (b) a provision that allows a lot owner who has a rental in the association before the
1438 time the rental restriction described in Subsection (1)(a) is recorded with the county recorder of
1439 the county in which the association is located to continue renting until:

1440 (i) the lot owner occupies the lot;

1441 (ii) an officer, owner, member, trustee, beneficiary, director, or person holding a

1442 similar position of ownership or control of an entity or trust that holds an ownership interest in
1443 the lot, occupies the lot; or
1444 (iii) the lot is transferred; and
1445 (c) a requirement that the association create, by rule or resolution, procedures to:
1446 (i) determine and track the number of rentals and lots in the association subject to the
1447 provisions described in Subsections (2)(a) and (b); and
1448 (ii) ensure consistent administration and enforcement of the rental restrictions.
1449 (3) For purposes of Subsection (2)(b)(iii), a transfer occurs when one or more of the
1450 following occur:
1451 (a) the conveyance, sale, or other transfer of a lot by deed;
1452 (b) the granting of a life estate in the lot; or
1453 (c) if the lot is owned by a limited liability company, corporation, partnership, or other
1454 business entity, the sale or transfer of more than 75% of the business entity's share, stock,
1455 membership interests, or partnership interests in a 12-month period.
1456 (4) This section does not limit or affect residency age requirements for an association
1457 that complies with the requirements of the Housing for Older Persons Act, 42 U.S.C. Sec.
1458 3607.
1459 (5) A declaration of covenants, conditions, and restrictions or amendments to the
1460 declaration of covenants, conditions, and restrictions recorded before the transfer of the first lot
1461 from the initial declarant may prohibit or restrict rentals without providing for the exceptions,
1462 provisions, and procedures required under Subsection (2).
1463 (6) (a) Subsections (1) through (5) do not apply to:
1464 (i) an association that contains a time period unit as defined in Section 57-8-3;
1465 (ii) any other form of timeshare interest as defined in Section 57-19-2; ~~or~~
1466 (iii) subject to Subsection (6)(b), an association that is formed before May 12, 2009,
1467 unless, on or after May 12, 2015, the association:
1468 (A) adopts a rental restriction or prohibition; or
1469 (B) amends an existing rental restriction or prohibition~~[-];~~ or
1470 (iv) an internal accessory dwelling unit, as defined in Section 10-9a-514.5, constructed
1471 within a residential lot, if the internal accessory dwelling unit complies with all applicable:
1472 (A) land use ordinances;

1473 (B) building codes; and

1474 (C) fire codes.

1475 (b) An association that adopts a rental restriction or amends an existing rental
1476 restriction or prohibition before May 9, 2017, is not required to include the exemption
1477 described in Subsection (2)(a)(iv).

1478 (7) Notwithstanding this section, an association may restrict or prohibit rentals without
1479 an exception described in Subsection (2) if:

1480 (a) the restriction or prohibition receives unanimous approval by all lot owners; and

1481 (b) when the restriction or prohibition requires an amendment to the association's
1482 recorded declaration of covenants, conditions, and restrictions, the association fulfills all other
1483 requirements for amending the recorded declaration of covenants, conditions, and restrictions
1484 described in the association's governing documents.

1485 (8) Except as provided in Subsection (9), an association may not require a lot owner
1486 who owns a rental lot to:

1487 (a) obtain the association's approval of a prospective renter;

1488 (b) give the association:

1489 (i) a copy of a rental application;

1490 (ii) a copy of a renter's or prospective renter's credit information or credit report;

1491 (iii) a copy of a renter's or prospective renter's background check; or

1492 (iv) documentation to verify the renter's age; or

1493 (c) pay an additional assessment, fine, or fee because the lot is a rental lot.

1494 (9) (a) A lot owner who owns a rental lot shall give an association the documents
1495 described in Subsection (8)(b) if the lot owner is required to provide the documents by court
1496 order or as part of discovery under the Utah Rules of Civil Procedure.

1497 (b) If an association's declaration of covenants, conditions, and restrictions lawfully
1498 prohibits or restricts occupancy of the lots by a certain class of individuals, the association may
1499 require a lot owner who owns a rental lot to give the association the information described in
1500 Subsection (8)(b), if:

1501 (i) the information helps the association determine whether the renter's occupancy of
1502 the lot complies with the association's declaration of covenants, conditions, and restrictions;

1503 and

(ii) the association uses the information to determine whether the renter's occupancy of the lot complies with the association's declaration of covenants, conditions, and restrictions.

(10) The provisions of Subsections (8) and (9) apply to an association regardless of when the association is created.

Section 15. Section **57-8a-218** is amended to read:

57-8a-218. Equal treatment by rules required -- Limits on association rules and design criteria.

(1) (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot owners similarly.

(b) Notwithstanding Subsection (1)(a), a rule may:

(i) vary according to the level and type of service that the association provides to lot owners;

(ii) differ between residential and nonresidential uses; and

(iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals who may use the common areas and facilities as guests of the lot tenant or lot owner.

(2) (a) If a lot owner owns a rental lot and is in compliance with the association's governing documents and any rule that the association adopts under Subsection (4), a rule may not treat the lot owner differently because the lot owner owns a rental lot.

(b) Notwithstanding Subsection (2)(a), a rule may:

(i) limit or prohibit a rental lot owner from using the common areas for purposes other than attending an association meeting or managing the rental lot;

(ii) if the rental lot owner retains the right to use the association's common areas, even occasionally:

(A) charge a rental lot owner a fee to use the common areas; or

(B) for a lot that an owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals who may use the common areas and facilities as guests of the lot tenant or lot owner; or

(iii) include a provision in the association's governing documents that:

(A) requires each tenant of a rental lot to abide by the terms of the governing documents; and

(B) holds the tenant and the rental lot owner jointly and severally liable for a violation of a provision of the governing documents.

(3) (a) A rule criterion may not abridge the rights of a lot owner to display religious and holiday signs, symbols, and decorations inside a dwelling on a lot.

(b) Notwithstanding Subsection (3)(a), the association may adopt time, place, and manner restrictions with respect to displays visible from outside the dwelling or lot.

(4) (a) A rule may not regulate the content of political signs.

(b) Notwithstanding Subsection (4)(a):

(i) a rule may regulate the time, place, and manner of posting a political sign; and

(ii) an association design provision may establish design criteria for political signs.

(5) (a) A rule may not interfere with the freedom of a lot owner to determine the composition of the lot owner's household.

(b) Notwithstanding Subsection (5)(a), an association may:

(i) require that all occupants of a dwelling be members of a single housekeeping unit; or

(ii) limit the total number of occupants permitted in each residential dwelling on the basis of the residential dwelling's:

(A) size and facilities; and

(B) fair use of the common areas.

(6) (a) A rule may not interfere with an activity of a lot owner within the confines of a dwelling or lot, to the extent that the activity is in compliance with local laws and ordinances.

(b) Notwithstanding Subsection (6)(a), a rule may prohibit an activity within a dwelling on an owner's lot if the activity:

(i) is not normally associated with a project restricted to residential use; or

(ii) (A) creates monetary costs for the association or other lot owners;

(B) creates a danger to the health or safety of occupants of other lots;

(C) generates excessive noise or traffic;

(D) creates unsightly conditions visible from outside the dwelling;

(E) creates an unreasonable source of annoyance to persons outside the lot; or

(F) if there are attached dwellings, creates the potential for smoke to enter another lot owner's dwelling, the common areas, or limited common areas.

(c) If permitted by law, an association may adopt rules described in Subsection (6)(b) that affect the use of or behavior inside the dwelling.

(7) (a) A rule may not, to the detriment of a lot owner and over the lot owner's written objection to the board, alter the allocation of financial burdens among the various lots.

(b) Notwithstanding Subsection (7)(a), an association may:

(i) change the common areas available to a lot owner;

(ii) adopt generally applicable rules for the use of common areas; or

(iii) deny use privileges to a lot owner who:

(A) is delinquent in paying assessments;

(B) abuses the common areas; or

(C) violates the governing documents.

(c) This Subsection (7) does not permit a rule that:

(i) alters the method of levying assessments; or

(ii) increases the amount of assessments as provided in the declaration.

(8) (a) Subject to Subsection (8)(b), a rule may not:

(i) prohibit the transfer of a lot; or

(ii) require the consent of the association or board to transfer a lot.

(b) Unless contrary to a declaration, a rule may require a minimum lease term.

(9) (a) A rule may not require a lot owner to dispose of personal property that was in or on a lot before the adoption of the rule or design criteria if the personal property was in compliance with all rules and other governing documents previously in force.

(b) The exemption in Subsection (9)(a):

(i) applies during the period of the lot owner's ownership of the lot; and

(ii) does not apply to a subsequent lot owner who takes title to the lot after adoption of the rule described in Subsection (9)(a).

(10) A rule or action by the association or action by the board may not unreasonably impede a declarant's ability to satisfy existing development financing for community improvements and right to develop:

(a) the project; or

(b) other properties in the vicinity of the project.

(11) A rule or association or board action may not interfere with:

1597 (a) the use or operation of an amenity that the association does not own or control; or
1598 (b) the exercise of a right associated with an easement.

1599 (12) A rule may not divest a lot owner of the right to proceed in accordance with a
1600 completed application for design review, or to proceed in accordance with another approval
1601 process, under the terms of the governing documents in existence at the time the completed
1602 application was submitted by the owner for review.

1603 (13) Unless otherwise provided in the declaration, an association may by rule:

1604 (a) regulate the use, maintenance, repair, replacement, and modification of common
1605 areas;

1606 (b) impose and receive any payment, fee, or charge for:

1607 (i) the use, rental, or operation of the common areas, except limited common areas; and

1608 (ii) a service provided to a lot owner;

1609 (c) impose a charge for a late payment of an assessment; or

1610 (d) provide for the indemnification of the association's officers and board consistent
1611 with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

1612 (14) (a) Except as provided in Subsection (14)(b), a rule may not prohibit the owner of
1613 a residential lot from constructing an internal accessory dwelling unit, as defined in Section
1614 10-9a-514.5, within the owner's residential lot.

1615 (b) Subsection (14)(a) does not apply if the construction would violate:

1616 (i) a local land use ordinance;

1617 (ii) a building code; or

1618 (iii) a fire code.

1619 ~~[(14)]~~ (15) A rule shall be reasonable.

1620 ~~[(15)]~~ (16) A declaration, or an amendment to a declaration, may vary any of the
1621 requirements of Subsections (1) through (13), except Subsection (1)(b)(ii).

1622 ~~[(16)]~~ (17) A rule may not be inconsistent with a provision of the association's
1623 declaration, bylaws, or articles of incorporation.

1624 ~~[(17)]~~ (18) This section applies to an association regardless of when the association is
1625 created.