

1 **Auxiliary Housing Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions regarding auxiliary housing.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ amends provisions of owner-occupancy requirements for primary dwelling units; and
- 9 ▶ makes technical changes and conforming changes.

10 **Money Appropriated in this Bill:**

11 None

12 **Other Special Clauses:**

13 None

14 **Utah Code Sections Affected:**

15 AMENDS:

16 **10-9a-530**, as last amended by Laws of Utah 2023, Chapter 501

17 **17-27a-526**, as last amended by Laws of Utah 2023, Chapter 501

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

20 Section 1. Section **10-9a-530** is amended to read:

21 **10-9a-530 . Internal accessory dwelling units.**

22 (1) As used in this section:

23 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

24 (i) within a primary dwelling;

25 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at
26 the time the internal accessory dwelling unit is created; and

27 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

28 (b)(i) "Primary dwelling" means a single-family dwelling that~~[:]~~ is detached.

29 ~~[(A) is detached; and]~~

30 ~~[(B) is occupied as the primary residence of the owner of record.]~~

- 31 (ii) "Primary dwelling" includes a garage if the garage:
32 (A) is a habitable space; and
33 (B) is connected to the primary dwelling by a common wall.
- 34 (2) In any area zoned primarily for residential use:
35 (a) the use of an internal accessory dwelling unit is a permitted use;
36 (b) except as provided in Subsections (3) and (4), a municipality may not establish any
37 restrictions or requirements for the construction or use of one internal accessory
38 dwelling unit within a primary dwelling, including a restriction or requirement
39 governing:
40 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
41 (ii) total lot size;
42 (iii) street frontage;~~or~~
43 (iv) internal connectivity; ~~and~~ or
44 (v) owner-occupancy of the primary dwelling; and
45 (c) a municipality's regulation of architectural elements for internal accessory dwelling
46 units shall be consistent with the regulation of single-family units, including
47 single-family units located in historic districts.
- 48 (3) An internal accessory dwelling unit shall comply with all applicable building, health,
49 and fire codes.
- 50 (4) A municipality may:
51 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
52 unit;
53 (b) require that an internal accessory dwelling unit be designed in a manner that does not
54 change the appearance of the primary dwelling as a single-family dwelling;
55 (c) require a primary dwelling:
56 (i) regardless of whether the primary dwelling is existing or new construction, to
57 include one additional on-site parking space for an internal accessory dwelling
58 unit, in addition to the parking spaces required under the municipality's land use
59 regulation, except that if the municipality's land use ordinance requires four
60 off-street parking spaces, the municipality may not require the additional space
61 contemplated under this Subsection (4)(c)(i); and
62 (ii) to replace any parking spaces contained within a garage or carport if an internal
63 accessory dwelling unit is created within the garage or carport and is a habitable
64 space;

- 65 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
66 defined in Section 57-16-3;
- 67 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
68 internal accessory dwelling unit;
- 69 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
70 covering an area that is equivalent to:
- 71 (i) 25% or less of the total area in the municipality that is zoned primarily for
72 residential use, except that the municipality may not prohibit newly constructed
73 internal accessory dwelling units that:
- 74 (A) have a final plat approval dated on or after October 1, 2021; and
75 (B) comply with applicable land use regulations; or
- 76 (ii) 67% or less of the total area in the municipality that is zoned primarily for
77 residential use, if the main campus of a state or private university with a student
78 population of 10,000 or more is located within the municipality;
- 79 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is
80 served by a failing septic tank;
- 81 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
82 primary dwelling is 6,000 square feet or less in size;
- 83 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a
84 period of less than 30 consecutive days;
- 85 ~~[(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory~~
86 ~~dwelling unit is located in a dwelling that is not occupied as the owner's primary~~
87 ~~residence;]~~
- 88 ~~[(k)]~~ (j) hold a lien against a property that contains an internal accessory dwelling unit in
89 accordance with Subsection (5); and
- 90 ~~[(l)]~~ (k) record a notice for an internal accessory dwelling unit in accordance with
91 Subsection (6).
- 92 (5)(a) In addition to any other legal or equitable remedies available to a municipality, a
93 municipality may hold a lien against a property that contains an internal accessory
94 dwelling unit if:
- 95 (i) the owner of the property violates any of the provisions of this section or any
96 ordinance adopted under Subsection (4);
- 97 (ii) the municipality provides a written notice of violation in accordance with
98 Subsection (5)(b);

- 99 (iii) the municipality holds a hearing and determines that the violation has occurred in
100 accordance with Subsection (5)(d), if the owner files a written objection in
101 accordance with Subsection (5)(b)(iv);
- 102 (iv) the owner fails to cure the violation within the time period prescribed in the
103 written notice of violation under Subsection (5)(b);
- 104 (v) the municipality provides a written notice of lien in accordance with Subsection
105 (5)(c); and
- 106 (vi) the municipality records a copy of the written notice of lien described in
107 Subsection (5)(a)(v) with the county recorder of the county in which the property
108 is located.
- 109 (b) The written notice of violation shall:
- 110 (i) describe the specific violation;
- 111 (ii) provide the owner of the internal accessory dwelling unit a reasonable
112 opportunity to cure the violation that is:
- 113 (A) no less than 14 days after the day on which the municipality sends the written
114 notice of violation, if the violation results from the owner renting or offering to
115 rent the internal accessory dwelling unit for a period of less than 30
116 consecutive days; or
- 117 (B) no less than 30 days after the day on which the municipality sends the written
118 notice of violation, for any other violation;
- 119 (iii) state that if the owner of the property fails to cure the violation within the time
120 period described in Subsection (5)(b)(ii), the municipality may hold a lien against
121 the property in an amount of up to \$100 for each day of violation after the day on
122 which the opportunity to cure the violation expires;
- 123 (iv) notify the owner of the property:
- 124 (A) that the owner may file a written objection to the violation within 14 days
125 after the day on which the written notice of violation is post-marked or posted
126 on the property; and
- 127 (B) of the name and address of the municipal office where the owner may file the
128 written objection;
- 129 (v) be mailed to:
- 130 (A) the property's owner of record; and
- 131 (B) any other individual designated to receive notice in the owner's license or
132 permit records; and

- 133 (vi) be posted on the property.
- 134 (c) The written notice of lien shall:
- 135 (i) comply with the requirements of Section 38-12-102;
- 136 (ii) state that the property is subject to a lien;
- 137 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation
- 138 after the day on which the opportunity to cure the violation expires;
- 139 (iv) be mailed to:
- 140 (A) the property's owner of record; and
- 141 (B) any other individual designated to receive notice in the owner's license or
- 142 permit records; and
- 143 (v) be posted on the property.
- 144 (d)(i) If an owner of property files a written objection in accordance with Subsection
- 145 (5)(b)(iv), the municipality shall:
- 146 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public
- 147 Meetings Act, to conduct a review and determine whether the specific violation
- 148 described in the written notice of violation under Subsection (5)(b) has
- 149 occurred; and
- 150 (B) notify the owner in writing of the date, time, and location of the hearing
- 151 described in Subsection (5)(d)(i)(A) no less than 14 days before the day on
- 152 which the hearing is held.
- 153 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a
- 154 municipality may not record a lien under this Subsection (5) until the municipality
- 155 holds a hearing and determines that the specific violation has occurred.
- 156 (iii) If the municipality determines at the hearing that the specific violation has
- 157 occurred, the municipality may impose a lien in an amount of up to \$100 for each
- 158 day of violation after the day on which the opportunity to cure the violation
- 159 expires, regardless of whether the hearing is held after the day on which the
- 160 opportunity to cure the violation has expired.
- 161 (e) If an owner cures a violation within the time period prescribed in the written notice
- 162 of violation under Subsection (5)(b), the municipality may not hold a lien against the
- 163 property, or impose any penalty or fee on the owner, in relation to the specific
- 164 violation described in the written notice of violation under Subsection (5)(b).
- 165 (6)(a) A municipality that issues, on or after October 1, 2021, a permit or license to an
- 166 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building

167 permit to an owner of a primary dwelling to create an internal accessory dwelling
 168 unit, may record a notice in the office of the recorder of the county in which the
 169 primary dwelling is located.

170 (b) The notice described in Subsection (6)(a) shall include:

171 (i) a description of the primary dwelling;

172 (ii) a statement that the primary dwelling contains an internal accessory dwelling
 173 unit; and

174 (iii) a statement that the internal accessory dwelling unit may only be used in
 175 accordance with the municipality's land use regulations.

176 (c) The municipality shall, upon recording the notice described in Subsection (6)(a),
 177 deliver a copy of the notice to the owner of the internal accessory dwelling unit.

178 Section 2. Section **17-27a-526** is amended to read:

179 **17-27a-526 . Internal accessory dwelling units.**

180 (1) As used in this section:

181 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

182 (i) within a primary dwelling;

183 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at
 184 the time the internal accessory dwelling unit is created; and

185 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

186 (b)(i) "Primary dwelling" means a single-family dwelling that~~[:] is detached.~~

187 ~~[(A) is detached; and]~~

188 ~~[(B) is occupied as the primary residence of the owner of record.]~~

189 (ii) "Primary dwelling" includes a garage if the garage:

190 (A) is a habitable space; and

191 (B) is connected to the primary dwelling by a common wall.

192 (2) In any area zoned primarily for residential use:

193 (a) the use of an internal accessory dwelling unit is a permitted use;

194 (b) except as provided in Subsections (3) and (4), a county may not establish any
 195 restrictions or requirements for the construction or use of one internal accessory
 196 dwelling unit within a primary dwelling, including a restriction or requirement
 197 governing:

198 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

199 (ii) total lot size;

200 (iii) street frontage;~~[-or]~~

- 201 (iv) internal connectivity; [~~and~~] or
202 (v) owner-occupancy of the primary dwelling; and
- 203 (c) a county's regulation of architectural elements for internal accessory dwelling units
204 shall be consistent with the regulation of single-family units, including single-family
205 units located in historic districts.
- 206 (3) An internal accessory dwelling unit shall comply with all applicable building, health,
207 and fire codes.
- 208 (4) A county may:
- 209 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
210 unit;
- 211 (b) require that an internal accessory dwelling unit be designed in a manner that does not
212 change the appearance of the primary dwelling as a single-family dwelling;
- 213 (c) require a primary dwelling:
- 214 (i) regardless of whether the primary dwelling is existing or new construction, to
215 include one additional on-site parking space for an internal accessory dwelling
216 unit, in addition to the parking spaces required under the county's land use
217 ordinance, except that if the county's land use ordinance requires four off-street
218 parking spaces, the county may not require the additional space contemplated
219 under this Subsection (4)(c)(i); and
- 220 (ii) to replace any parking spaces contained within a garage or carport if an internal
221 accessory dwelling unit is created within the garage or carport and is habitable
222 space;
- 223 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
224 defined in Section 57-16-3;
- 225 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
226 internal accessory dwelling unit;
- 227 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
228 covering an area that is equivalent to 25% or less of the total unincorporated area in
229 the county that is zoned primarily for residential use, except that the county may not
230 prohibit newly constructed internal accessory dwelling units that:
- 231 (i) have a final plat approval dated on or after October 1, 2021; and
232 (ii) comply with applicable land use regulations;
- 233 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is
234 served by a failing septic tank;

- 235 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
236 primary dwelling is 6,000 square feet or less in size;
- 237 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a
238 period of less than 30 consecutive days;
- 239 ~~[(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory~~
240 ~~dwelling unit is located in a dwelling that is not occupied as the owner's primary~~
241 ~~residence;]~~
- 242 ~~[(k)]~~ (j) hold a lien against a property that contains an internal accessory dwelling unit in
243 accordance with Subsection (5); and
- 244 ~~[(l)]~~ (k) record a notice for an internal accessory dwelling unit in accordance with
245 Subsection (6).
- 246 (5)(a) In addition to any other legal or equitable remedies available to a county, a county
247 may hold a lien against a property that contains an internal accessory dwelling unit if:
- 248 (i) the owner of the property violates any of the provisions of this section or any
249 ordinance adopted under Subsection (4);
- 250 (ii) the county provides a written notice of violation in accordance with Subsection
251 (5)(b);
- 252 (iii) the county holds a hearing and determines that the violation has occurred in
253 accordance with Subsection (5)(d), if the owner files a written objection in
254 accordance with Subsection (5)(b)(iv);
- 255 (iv) the owner fails to cure the violation within the time period prescribed in the
256 written notice of violation under Subsection (5)(b);
- 257 (v) the county provides a written notice of lien in accordance with Subsection (5)(c);
258 and
- 259 (vi) the county records a copy of the written notice of lien described in Subsection
260 (5)(a)(v) with the county recorder of the county in which the property is located.
- 261 (b) The written notice of violation shall:
- 262 (i) describe the specific violation;
- 263 (ii) provide the owner of the internal accessory dwelling unit a reasonable
264 opportunity to cure the violation that is:
- 265 (A) no less than 14 days after the day on which the county sends the written notice
266 of violation, if the violation results from the owner renting or offering to rent
267 the internal accessory dwelling unit for a period of less than 30 consecutive
268 days; or

- 269 (B) no less than 30 days after the day on which the county sends the written notice
270 of violation, for any other violation;
- 271 (iii) state that if the owner of the property fails to cure the violation within the time
272 period described in Subsection (5)(b)(ii), the county may hold a lien against the
273 property in an amount of up to \$100 for each day of violation after the day on
274 which the opportunity to cure the violation expires;
- 275 (iv) notify the owner of the property:
- 276 (A) that the owner may file a written objection to the violation within 14 days
277 after the day on which the written notice of violation is post-marked or posted
278 on the property; and
- 279 (B) of the name and address of the county office where the owner may file the
280 written objection;
- 281 (v) be mailed to:
- 282 (A) the property's owner of record; and
283 (B) any other individual designated to receive notice in the owner's license or
284 permit records; and
- 285 (vi) be posted on the property.
- 286 (c) The written notice of lien shall:
- 287 (i) comply with the requirements of Section 38-12-102;
- 288 (ii) describe the specific violation;
- 289 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation
290 after the day on which the opportunity to cure the violation expires;
- 291 (iv) be mailed to:
- 292 (A) the property's owner of record; and
293 (B) any other individual designated to receive notice in the owner's license or
294 permit records; and
- 295 (v) be posted on the property.
- 296 (d)(i) If an owner of property files a written objection in accordance with Subsection
297 (5)(b)(iv), the county shall:
- 298 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public
299 Meetings Act, to conduct a review and determine whether the specific violation
300 described in the written notice of violation under Subsection (5)(b) has
301 occurred; and
- 302 (B) notify the owner in writing of the date, time, and location of the hearing

- 303 described in Subsection (5)(d)(i)(A) no less than 14 days before the day on
304 which the hearing is held.
- 305 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a
306 county may not record a lien under this Subsection (5) until the county holds a
307 hearing and determines that the specific violation has occurred.
- 308 (iii) If the county determines at the hearing that the specific violation has occurred,
309 the county may impose a lien in an amount of up to \$100 for each day of violation
310 after the day on which the opportunity to cure the violation expires, regardless of
311 whether the hearing is held after the day on which the opportunity to cure the
312 violation has expired.
- 313 (e) If an owner cures a violation within the time period prescribed in the written notice
314 of violation under Subsection (5)(b), the county may not hold a lien against the
315 property, or impose any penalty or fee on the owner, in relation to the specific
316 violation described in the written notice of violation under Subsection (5)(b).
- 317 (6)(a) A county that issues, on or after October 1, 2021, a permit or license to an owner
318 of a primary dwelling to rent an internal accessory dwelling unit, or a building permit
319 to an owner of a primary dwelling to create an internal accessory dwelling unit, may
320 record a notice in the office of the recorder of the county in which the primary
321 dwelling is located.
- 322 (b) The notice described in Subsection (6)(a) shall include:
- 323 (i) a description of the primary dwelling;
- 324 (ii) a statement that the primary dwelling contains an internal accessory dwelling
325 unit; and
- 326 (iii) a statement that the internal accessory dwelling unit may only be used in
327 accordance with the county's land use regulations.
- 328 (c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a
329 copy of the notice to the owner of the internal accessory dwelling unit.

330 **Section 3. Effective Date.**

331 This bill takes effect on May 7, 2025.