

Steve Eliason proposes the following substitute bill:

Auxiliary Housing Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions regarding auxiliary housing.

Highlighted Provisions:

This bill:

- requires municipalities and counties process land use applications to build an internal accessory dwelling unit within a certain time;
- allows an applicant to submit a land use application to the Division of Facilities and Construction Management under certain circumstances; and
- makes technical changes and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

(1) As used in this section:

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

(i) within a primary dwelling;

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

- 30 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
- 31 (b)(i) "Primary dwelling" means a single-family dwelling that:
- 32 (A) is detached; and
- 33 (B) is occupied as the primary residence of the owner of record.
- 34 (ii) "Primary dwelling" includes a garage if the garage:
- 35 (A) is a habitable space; and
- 36 (B) is connected to the primary dwelling by a common wall.
- 37 (2) In any area zoned primarily for residential use:
- 38 (a) the use of an internal accessory dwelling unit is a permitted use;
- 39 (b) except as provided in Subsections (3) and ~~[(4);~~ (7), a municipality may not establish
- 40 any restrictions or requirements for the construction or use of one internal accessory
- 41 dwelling unit within a primary dwelling, including a restriction or requirement
- 42 governing:
- 43 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
- 44 (ii) total lot size;
- 45 (iii) street frontage; or
- 46 (iv) internal connectivity; and
- 47 (c) a municipality's regulation of architectural elements for internal accessory dwelling
- 48 units shall be consistent with the regulation of single-family units, including
- 49 single-family units located in historic districts.
- 50 (3) An internal accessory dwelling unit shall comply with all applicable building, health,
- 51 and fire codes.
- 52 (4) A municipality shall:
- 53 (a) within 14 days from the day that the municipality receives a completed land
- 54 application from a home owner to build an internal accessory dwelling unit, process
- 55 the land use application in accordance with Sections 10-9a-509 and 10-9a-509.5;
- 56 (b)(i) within seven days from the day the municipality receives the application
- 57 described in Subsection (4)(a), notify the applicant whether the land use
- 58 application is complete or incomplete;
- 59 (ii) if the application described in Subsection (4) is incomplete, notify the applicant in
- 60 writing of the reason for an incomplete application; and
- 61 (iii) give the applicant 10 days from the day in which notice is provided under
- 62 Subsection (4)(b) to cure any defects in the application; and
- 63 (c) within 10 days from the day that the applicant submits the correct application,

64 approve the land use application.

65 (5) If a municipality fails to process a land use application in accordance with Subsection
66 (4), the applicant may submit the land use application to the Division of Facilities and
67 Construction Management.

68 (6) The Division of Facilities and Construction Management may charge the municipality
69 for the cost of processing the land use application.

70 ~~[(4)]~~ (7) A municipality may:

- 71 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
72 unit;
- 73 (b) require that an internal accessory dwelling unit be designed in a manner that does not
74 change the appearance of the primary dwelling as a single-family dwelling;
- 75 (c) require a primary dwelling:
- 76 (i) regardless of whether the primary dwelling is existing or new construction, to
77 include one additional on-site parking space for an internal accessory dwelling
78 unit, in addition to the parking spaces required under the municipality's land use
79 regulation, except that if the municipality's land use ordinance requires four
80 off-street parking spaces, the municipality may not require the additional space
81 contemplated under this Subsection ~~[(4)(c)(i);]~~ (7)(c)(i); and
- 82 (ii) to replace any parking spaces contained within a garage or carport if an internal
83 accessory dwelling unit is created within the garage or carport and is a habitable
84 space;
- 85 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
86 defined in Section 57-16-3;
- 87 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
88 internal accessory dwelling unit;
- 89 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
90 covering an area that is equivalent to:
- 91 (i) 25% or less of the total area in the municipality that is zoned primarily for
92 residential use, except that the municipality may not prohibit newly constructed
93 internal accessory dwelling units that:
- 94 (A) have a final plat approval dated on or after October 1, 2021; and
- 95 (B) comply with applicable land use regulations; or
- 96 (ii) 67% or less of the total area in the municipality that is zoned primarily for
97 residential use, if the main campus of a state or private university with a student

- 98 population of 10,000 or more is located within the municipality;
- 99 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is
100 served by a failing septic tank;
- 101 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
102 primary dwelling is 6,000 square feet or less in size;
- 103 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a
104 period of less than 30 consecutive days;
- 105 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory
106 dwelling unit is located in a dwelling that is not occupied as the owner's primary
107 residence;
- 108 (k) hold a lien against a property that contains an internal accessory dwelling unit in
109 accordance with Subsection ~~[(5);]~~ (8); and
- 110 (l) record a notice for an internal accessory dwelling unit in accordance with Subsection [
111 ~~(6);]~~ (9).
- 112 ~~[(5)]~~ (8)(a) In addition to any other legal or equitable remedies available to a
113 municipality, a municipality may hold a lien against a property that contains an
114 internal accessory dwelling unit if:
- 115 (i) the owner of the property violates any of the provisions of this section or any
116 ordinance adopted under Subsection ~~[(4);]~~ (7);
- 117 (ii) the municipality provides a written notice of violation in accordance with
118 Subsection~~[-(5)(b);]~~ (8)(b);
- 119 (iii) the municipality holds a hearing and determines that the violation has occurred in
120 accordance with Subsection ~~[(5)(d);]~~ (8)(d), if the owner files a written objection in
121 accordance with Subsection ~~[(5)(b)(iv);]~~ (8)(b)(iv);
- 122 (iv) the owner fails to cure the violation within the time period prescribed in the
123 written notice of violation under Subsection ~~[(5)(b);]~~ (8)(b);
- 124 (v) the municipality provides a written notice of lien in accordance with Subsection [
125 ~~(5)(e);]~~ (8)(c); and
- 126 (vi) the municipality records a copy of the written notice of lien described in
127 Subsection ~~[(5)(a)(v)]~~ (8)(a)(v) with the county recorder of the county in which
128 the property is located.
- 129 (b) The written notice of violation shall:
- 130 (i) describe the specific violation;
- 131 (ii) provide the owner of the internal accessory dwelling unit a reasonable

- 132 opportunity to cure the violation that is:
- 133 (A) no less than 14 days after the day on which the municipality sends the written
- 134 notice of violation, if the violation results from the owner renting or offering to
- 135 rent the internal accessory dwelling unit for a period of less than 30
- 136 consecutive days; or
- 137 (B) no less than 30 days after the day on which the municipality sends the written
- 138 notice of violation, for any other violation;
- 139 (iii) state that if the owner of the property fails to cure the violation within the time
- 140 period described in Subsection[~~(5)(b)(ii)~~,] (8)(b)(ii), the municipality may hold a
- 141 lien against the property in an amount of up to \$100 for each day of violation after
- 142 the day on which the opportunity to cure the violation expires;
- 143 (iv) notify the owner of the property:
- 144 (A) that the owner may file a written objection to the violation within 14 days
- 145 after the day on which the written notice of violation is post-marked or posted
- 146 on the property; and
- 147 (B) of the name and address of the municipal office where the owner may file the
- 148 written objection;
- 149 (v) be mailed to:
- 150 (A) the property's owner of record; and
- 151 (B) any other individual designated to receive notice in the owner's license or
- 152 permit records; and
- 153 (vi) be posted on the property.
- 154 (c) The written notice of lien shall:
- 155 (i) comply with the requirements of Section 38-12-102;
- 156 (ii) state that the property is subject to a lien;
- 157 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation
- 158 after the day on which the opportunity to cure the violation expires;
- 159 (iv) be mailed to:
- 160 (A) the property's owner of record; and
- 161 (B) any other individual designated to receive notice in the owner's license or
- 162 permit records; and
- 163 (v) be posted on the property.
- 164 (d)(i) If an owner of property files a written objection in accordance with Subsection[
- 165 ~~(5)(b)(iv)~~,] (8)(b)(iv), the municipality shall:

- 166 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public
167 Meetings Act, to conduct a review and determine whether the specific violation
168 described in the written notice of violation under Subsection [~~(5)(b)~~] (8)(b) has
169 occurred; and
- 170 (B) notify the owner in writing of the date, time, and location of the hearing
171 described in Subsection (5)(d)(i)(A) no less than 14 days before the day on
172 which the hearing is held.
- 173 (ii) If an owner of property files a written objection under Subsection [~~(5)(b)(iv)~~],
174 (8)(b)(iv), a municipality may not record a lien under this Subsection [~~(5)~~] (8)
175 until the municipality holds a hearing and determines that the specific violation
176 has occurred.
- 177 (iii) If the municipality determines at the hearing that the specific violation has
178 occurred, the municipality may impose a lien in an amount of up to \$100 for each
179 day of violation after the day on which the opportunity to cure the violation
180 expires, regardless of whether the hearing is held after the day on which the
181 opportunity to cure the violation has expired.
- 182 (e) If an owner cures a violation within the time period prescribed in the written notice
183 of violation under Subsection [~~(5)(b)~~], (8)(b), the municipality may not hold a lien
184 against the property, or impose any penalty or fee on the owner, in relation to the
185 specific violation described in the written notice of violation under Subsection [~~(5)(b)~~]
186 (8)(b).
- 187 [~~(6)~~] (9)(a) A municipality that issues, on or after October 1, 2021, a permit or license to
188 an owner of a primary dwelling to rent an internal accessory dwelling unit, or a
189 building permit to an owner of a primary dwelling to create an internal accessory
190 dwelling unit, may record a notice in the office of the recorder of the county in which
191 the primary dwelling is located.
- 192 (b) The notice described in Subsection [~~(6)(a)~~] (9)(a) shall include:
- 193 (i) a description of the primary dwelling;
- 194 (ii) a statement that the primary dwelling contains an internal accessory dwelling
195 unit; and
- 196 (iii) a statement that the internal accessory dwelling unit may only be used in
197 accordance with the municipality's land use regulations.
- 198 (c) The municipality shall, upon recording the notice described in Subsection [~~(6)(a)~~],
199 (9)(a), deliver a copy of the notice to the owner of the internal accessory dwelling

unit.

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

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

(1) As used in this section:

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

(i) within a primary dwelling;

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

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

(b)(i) "Primary dwelling" means a single-family dwelling that:

(A) is detached; and

(B) is occupied as the primary residence of the owner of record.

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

(A) is a habitable space; and

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

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

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

(b) except as provided in Subsections (3) and ~~[(4),]~~ (7), a county may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:

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

(ii) total lot size;

(iii) street frontage; or

(iv) internal connectivity; and

(c) a county's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.

(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.

(4) A county shall:

(a) within 14 days from the day that the county receives a completed land application from a home owner to build an internal accessory dwelling unit, process the land use application in accordance with Sections 17-27a-508 and 17-27a-509.5;

- (b)(i) within seven days from the day the county receives the application described in Subsection (4)(a), notify the applicant whether the land use application is complete or incomplete;
- (ii) if the application described in Subsection (4) is incomplete, notify the applicant in writing of the reason for an incomplete application; and
- (iii) give the applicant 10 days from the day in which notice is provided under Subsection (4)(b) to cure any defects in the application; and
- (c) within 10 days from the day that the applicant submits the corrected application, approve the land use application.

(5) If a county fails to process a land use application in accordance with Subsection (4), the applicant may submit the land use application to the Division of Facilities and Construction Management.

(6) The Division of Facilities and Construction Management may charge the county for the cost of processing the land use application.

~~[(4)]~~ (7) A county may:

- (a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;
- (b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
- (c) require a primary dwelling:
- (i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the county's land use ordinance, except that if the county's land use ordinance requires four off-street parking spaces, the county may not require the additional space contemplated under this Subsection ~~[(4)(e)(i);]~~ (7)(c)(i); and
- (ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is habitable space;
- (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;
- (e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;
- (f) prohibit the creation of an internal accessory dwelling unit within a zoning district

covering an area that is equivalent to 25% or less of the total unincorporated area in the county that is zoned primarily for residential use, except that the county may not prohibit newly constructed internal accessory dwelling units that:

- (i) have a final plat approval dated on or after October 1, 2021; and
- (ii) comply with applicable land use regulations;
- (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;
- (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;
- (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;
- (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
- (k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection [~~(5);~~] (8); and
- (l) record a notice for an internal accessory dwelling unit in accordance with Subsection [~~(6);~~] (9).

[~~(5)~~] (8)(a) In addition to any other legal or equitable remedies available to a county, a county may hold a lien against a property that contains an internal accessory dwelling unit if:

- (i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection [~~(4);~~] (7);
- (ii) the county provides a written notice of violation in accordance with Subsection [~~(5)(b);~~] (8)(b);
- (iii) the county holds a hearing and determines that the violation has occurred in accordance with Subsection [~~(5)(d);~~] (8)(d), if the owner files a written objection in accordance with Subsection [~~(5)(b)(iv);~~] (8)(b)(iv);
- (iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection [~~(5)(b);~~] (8)(b);
- (v) the county provides a written notice of lien in accordance with Subsection [~~(5)(e);~~] (8)(c); and
- (vi) the county records a copy of the written notice of lien described in Subsection [~~(5)(a)(v);~~] (8)(a)(v) with the county recorder of the county in which the property is

- 302 located.
- 303 (b) The written notice of violation shall:
- 304 (i) describe the specific violation;
- 305 (ii) provide the owner of the internal accessory dwelling unit a reasonable
- 306 opportunity to cure the violation that is:
- 307 (A) no less than 14 days after the day on which the county sends the written notice
- 308 of violation, if the violation results from the owner renting or offering to rent
- 309 the internal accessory dwelling unit for a period of less than 30 consecutive
- 310 days; or
- 311 (B) no less than 30 days after the day on which the county sends the written notice
- 312 of violation, for any other violation;
- 313 (iii) state that if the owner of the property fails to cure the violation within the time
- 314 period described in Subsection [~~(5)(b)(ii),~~] (8)(b)(ii), the county may hold a lien
- 315 against the property in an amount of up to \$100 for each day of violation after the
- 316 day on which the opportunity to cure the violation expires;
- 317 (iv) notify the owner of the property:
- 318 (A) that the owner may file a written objection to the violation within 14 days
- 319 after the day on which the written notice of violation is post-marked or posted
- 320 on the property; and
- 321 (B) of the name and address of the county office where the owner may file the
- 322 written objection;
- 323 (v) be mailed to:
- 324 (A) the property's owner of record; and
- 325 (B) any other individual designated to receive notice in the owner's license or
- 326 permit records; and
- 327 (vi) be posted on the property.
- 328 (c) The written notice of lien shall:
- 329 (i) comply with the requirements of Section 38-12-102;
- 330 (ii) describe the specific violation;
- 331 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation
- 332 after the day on which the opportunity to cure the violation expires;
- 333 (iv) be mailed to:
- 334 (A) the property's owner of record; and
- 335 (B) any other individual designated to receive notice in the owner's license or

- 336 permit records; and
- 337 (v) be posted on the property.
- 338 (d)(i) If an owner of property files a written objection in accordance with Subsection [
- 339 ~~(5)(b)(iv)~~,] (8)(b)(iv), the county shall:
- 340 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public
- 341 Meetings Act, to conduct a review and determine whether the specific violation
- 342 described in the written notice of violation under Subsection [~~(5)(b)~~] (8)(b) has
- 343 occurred; and
- 344 (B) notify the owner in writing of the date, time, and location of the hearing
- 345 described in Subsection [~~(5)(d)(i)(A)~~] (8)(d)(i)(A) no less than 14 days before
- 346 the day on which the hearing is held.
- 347 (ii) If an owner of property files a written objection under Subsection [~~(5)(b)(iv)~~,]
- 348 (8)(b)(iv), a county may not record a lien under this Subsection [~~(5)~~] (8) until the
- 349 county holds a hearing and determines that the specific violation has occurred.
- 350 (iii) If the county determines at the hearing that the specific violation has occurred,
- 351 the county may impose a lien in an amount of up to \$100 for each day of violation
- 352 after the day on which the opportunity to cure the violation expires, regardless of
- 353 whether the hearing is held after the day on which the opportunity to cure the
- 354 violation has expired.
- 355 (e) If an owner cures a violation within the time period prescribed in the written notice
- 356 of violation under Subsection[~~(5)(b)~~,] (8)(b), the county may not hold a lien against
- 357 the property, or impose any penalty or fee on the owner, in relation to the specific
- 358 violation described in the written notice of violation under Subsection [~~(5)(b)~~] (8)(b).
- 359 [(6)] (9)(a) A county that issues, on or after October 1, 2021, a permit or license to an
- 360 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building
- 361 permit to an owner of a primary dwelling to create an internal accessory dwelling
- 362 unit, may record a notice in the office of the recorder of the county in which the
- 363 primary dwelling is located.
- 364 (b) The notice described in Subsection [~~(6)(a)~~] (9)(a) shall include:
- 365 (i) a description of the primary dwelling;
- 366 (ii) a statement that the primary dwelling contains an internal accessory dwelling
- 367 unit; and
- 368 (iii) a statement that the internal accessory dwelling unit may only be used in
- 369 accordance with the county's land use regulations.

370 (c) The county shall, upon recording the notice described in Subsection [~~(6)(a),~~ (9)(a)],
371 deliver a copy of the notice to the owner of the internal accessory dwelling unit.

372 Section 3. **Effective Date.**

373 This bill takes effect on May 7, 2025.