

Micro-Education Entity Facility Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ariel Defay

Senate Sponsor:

LONG TITLE**General Description:**

This bill defines the facility occupancy requirements with which a micro-education entity must comply.

Highlighted Provisions:

This bill:

- ▶ defines the facility occupancy requirements with which a micro-education entity must comply;
- ▶ prohibits certain retrofitting of a residential unit within a residential zone for the use of a micro-education entity;
- ▶ addresses certain compliance agency approval of building permits; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

10-20-304, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

15A-1-104, as last amended by Laws of Utah 2024, Chapter 505

17-79-305, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

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

Section 1. Section **10-20-304** is amended to read:

10-20-304 . Political subdivisions required to conform to municipality's land use ordinances -- Exceptions.

31 (1)(a) Each county, municipality, school district, charter school, special district, special
32 service district, and political subdivision of the state shall conform to any applicable
33 land use ordinance of any municipality when installing, constructing, operating, or
34 otherwise using any area, land, or building situated within that municipality.

35 (b) In addition to any other remedies provided by law, when a municipality's land use
36 ordinance is violated or about to be violated by another political subdivision, that
37 municipality may institute an injunction, mandamus, abatement, or other appropriate
38 action or proceeding to prevent, enjoin, abate, or remove the improper installation,
39 improvement, or use.

40 (2)(a) Except as provided in Subsection (3), a school district or charter school is subject
41 to a municipality's land use ordinances.

42 (b)(i) Notwithstanding Subsection (3), a municipality may:

43 (A) subject a charter school to standards within each zone pertaining to setback,
44 height, bulk and massing regulations, off-site parking, curb cut, traffic
45 circulation, and construction staging; and

46 (B) impose regulations upon the location of a project that are necessary to avoid
47 unreasonable risks to health or safety, as provided in Subsection (3)(f).

48 (ii) The standards to which a municipality may subject a charter school under
49 Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

50 (iii) Except as provided in Subsection (7)(d), the only basis upon which a
51 municipality may deny or withhold approval of a charter school's land use
52 application is the charter school's failure to comply with a standard imposed under
53 Subsection (2)(b)(i).

54 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of
55 an obligation to comply with a requirement of an applicable building or safety
56 code to which it is otherwise obligated to comply.

57 (3) A municipality may not:

58 (a) impose requirements for landscaping, fencing, aesthetic considerations, construction
59 methods or materials, additional building inspections, municipal building codes,
60 building use for educational purposes, or the placement or use of temporary
61 classroom facilities on school property;

62 (b) except as otherwise provided in this section, require a school district or charter
63 school to participate in the cost of any roadway or sidewalk, or a study on the impact
64 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety

65 of school children and not located on or contiguous to school property, unless the
66 roadway or sidewalk is required to connect an otherwise isolated school site to an
67 existing roadway;

68 (c) require a district or charter school to pay fees not authorized by this section;

69 (d) provide for inspection of school construction or assess a fee or other charges for
70 inspection, unless the school district or charter school is unable to provide for
71 inspection by an inspector, other than the project architect or contractor, who is
72 qualified under criteria established by the state superintendent;

73 (e) require a school district or charter school to pay any impact fee for an improvement
74 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact
75 Fees Act;

76 (f) impose regulations upon the location of an educational facility except as necessary to
77 avoid unreasonable risks to health or safety; or

78 (g) for a land use or a structure owned or operated by a school district or charter school
79 that is not an educational facility but is used in support of providing instruction to
80 pupils, impose a regulation that:

81 (i) is not imposed on a similar land use or structure in the zone in which the land use
82 or structure is approved; or

83 (ii) uses the tax exempt status of the school district or charter school as criteria for
84 prohibiting or regulating the land use or location of the structure.

85 (4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the
86 siting of a new school with the municipality in which the school is to be located, to:

87 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the
88 impacts between the new school and future highways; and

89 (b) maximize school, student, and site safety.

90 (5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:

91 (a) provide a walk-through of school construction at no cost and at a time convenient to
92 the district or charter school; and

93 (b) provide recommendations based upon the walk-through.

94 (6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

95 (i) a municipal building inspector;

96 (ii)(A) for a school district, a school district building inspector from that school
97 district; or

98 (B) for a charter school, a school district building inspector from the school

district in which the charter school is located; or

(iii) an independent, certified building inspector who is not an employee of the contractor, licensed to perform the inspection that the inspector is requested to perform, and approved by a municipal building inspector or:

(A) for a school district, a school district building inspector from that school district; or

(B) for a charter school, a school district building inspector from the school district in which the charter school is located.

The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.

If a school district or charter school uses a school district or independent building inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and municipal building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.

A charter school, home-based microschool, or micro-education entity shall be considered a permitted use in all zoning districts within a municipality.

Each land use application for any approval required for a charter school, home-based microschool, or micro-education entity, including an application for a building permit, shall be processed on a first priority basis.

Parking requirements for a charter school or a micro-education entity may not exceed the minimum parking requirements for schools or other institutional public uses throughout the municipality.

If a municipality has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school or a micro-education entity may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school or micro-education entity provides a waiver.

i) A school district, charter school, or micro-education entity may seek a certificate authorizing permanent occupancy of a school building from:

(A) the state superintendent of public instruction, as provided in Subsection 53E-3-706(3), if the school district or charter school used an independent building inspector for inspection of the school building; or

(B) a municipal official with authority to issue the certificate, if the school district, charter school, or micro-education entity used a municipal building inspector for inspection of the school building.

133 (ii) A school district may issue its own certificate authorizing permanent occupancy
134 of a school building if it used its own building inspector for inspection of the
135 school building, subject to the notification requirement of Subsection
136 53E-3-706(3)(a).

137 (iii) A charter school or micro-education entity may seek a certificate authorizing
138 permanent occupancy of a school building from a school district official with
139 authority to issue the certificate, if the charter school or micro-education entity
140 used a school district building inspector for inspection of the school building.

141 (iv) A certificate authorizing permanent occupancy issued by the state superintendent
142 of public instruction under Subsection 53E-3-706(3) or a school district official
143 with authority to issue the certificate shall be considered to satisfy any municipal
144 requirement for an inspection or a certificate of occupancy.

145 (f)(i) A micro-education entity may only operate in a facility that[-] :
146 (A) meets Group E Occupancy requirements as defined by the International
147 Building Code, as incorporated by Section 15A-2-103[-] ; or
148 (B) is subject to and complies with the same occupancy requirements as a Class
149 A-1, A-3, B, or M Occupancy as defined by the International Building Code, as
150 incorporated by Subsection 15A-2-103(1)(a), if the facility meets the
151 requirements described in Subsection (7)(f)(iii).

152 (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i)
153 may have up to 100 students in the facility.

154 (iii)(A) A person may not retrofit a residential unit within a residential zone into a
155 facility described in Subsection (7)(f)(i) for the use of a micro-education entity.
156 (B) A compliance agency, as that term is defined in Section 15A-1-202, shall
157 reject an application for a permit to retrofit a residential unit as described in
158 Subsection (7)(f)(iii)(A).

159 (g) A micro-education entity may not operate in a facility [that is subject to and
160 complies with the same occupancy requirements as a Class A-1, A-3, B, or M
161 Occupancy as defined by the International Building Code, as incorporated by Section
162 15A-2-103, if] described in Subsection (7)(f)(i)(B) unless:

163 (i) the facility has a code compliant fire alarm system and carbon monoxide detection
164 system;

165 (ii)(A) each classroom in the facility has an exit directly to the outside at the level
166 of exit or discharge; or

167 (B) the structure has a code compliant fire sprinkler system; and
168 (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that
169 are greater than 12,000 square feet.

170 (h)(i) A home-based microschool is not subject to additional occupancy
171 requirements beyond occupancy requirements that apply to a primary dwelling.

172 (ii) If a floor that is below grade in a home-based microschool is used for home-based
173 microschool purposes, the below grade floor of the home-based microschool shall
174 have at least one emergency escape or rescue window that complies with the
175 requirements for emergency escape and rescue windows as defined by the
176 International Residential Code, as incorporated by Section 15A-2-103.

177 (8)(a) A specified public agency intending to develop its land shall submit to the land
178 use authority a development plan and schedule:
179 (i) as early as practicable in the development process, but no later than the
180 commencement of construction; and
181 (ii) with sufficient detail to enable the land use authority to assess:
182 (A) the specified public agency's compliance with applicable land use ordinances;
183 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),
184 (c), (d), (e), and (g) caused by the development;
185 (C) the amount of any applicable fee described in Sections 10-20-904 and
186 10-20-910;
187 (D) any credit against an impact fee; and
188 (E) the potential for waiving an impact fee.

189 (b) The land use authority shall respond to a specified public agency's submission under
190 Subsection (8)(a) with reasonable promptness in order to allow the specified public
191 agency to consider information the municipality provides under Subsection (8)(a)(ii)
192 in the process of preparing the budget for the development.

193 (9) Nothing in this section may be construed to:
194 (a) modify or supersede Section 10-20-305; or
195 (b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance, that
196 fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair
197 Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with
198 Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.

199 (10) Nothing in Subsection (7) prevents a political subdivision from:
200 (a) requiring a home-based microschool or micro-education entity to comply with

municipal zoning and land use regulations that do not conflict with this section, including:

(i) parking;

(ii) traffic; and

(iii) hours of operation;

(b) requiring a home-based microschool or micro-education entity to obtain a business license;

(c) enacting municipal ordinances and regulations consistent with this section;

(d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and

- (e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.

Section 2. Section **15A-1-104** is amended to read:

15A-1-104 . Permit approval required -- Certificate of occupancy valid.

(1) As used in this section:

(a) "Completed noncompliant structure" means a structure that was constructed and completed without:

(i) obtaining a building permit;

(ii) passing inspections; or

(iii) obtaining a certificate of occupancy as required by Section 15A-1-204.

(b) "Compliance agency" means the same as that term is defined in Section 15A-1-202.

(c) "Project" means the same as that term is defined in Section 15A-1-209.

(2) A compliance agency for a political subdivision may not reject a permit, or withhold approval of a project whenever approval is required, for failure to comply with the applicable provisions of this title or state law unless the compliance agency:

- (a) cites with specificity the applicable provision with which the project has failed to comply; and

(b) describes how the project has failed to comply.

A municipality may not withhold a permit or project approval for a project because of a completed noncompliant structure on the same property provided that the completed noncompliant structure:

(a) has been completed for five years or more;

(b) does not pose a health, life, or safety concern;

235 (c) is unrelated to, independent from, and not affected by the project; and
236 (d) is outside the scope of work under the permit for the project.

237 (4) A municipality may require additional permitting, engineering, or inspections for a
238 completed noncompliant structure if it:
239 (a) has been completed for ten years or less; or
240 (b) poses a health, life, or safety concern.

241 (5) If a compliance agency or a representative of a compliance agency issues a certificate of
242 occupancy, the compliance agency may not withdraw the certificate of occupancy or
243 exert additional jurisdiction over the elements of the project for which the certificate was
244 issued unless additional changes or modifications requiring a building permit are made
245 to elements of the project after the certificate was issued.

246 Section 3. Section **17-79-305** is amended to read:

17-79-305 . Other entities required to conform to county's land use ordinances --

**Exceptions -- School districts, charter schools, home-based microschools, and
micro-education entities -- Submission of development plan and schedule.**

250 (1)(a) Each county, municipality, school district, charter school, special district, special
251 service district, and political subdivision of the state shall conform to any applicable
252 land use ordinance of any county when installing, constructing, operating, or
253 otherwise using any area, land, or building situated within a mountainous planning
254 district or the unincorporated portion of the county, as applicable.

255 (b) In addition to any other remedies provided by law, when a county's land use
256 ordinance is violated or about to be violated by another political subdivision, that
257 county may institute an injunction, mandamus, abatement, or other appropriate action
258 or proceeding to prevent, enjoin, abate, or remove the improper installation,
259 improvement, or use.

260 (2)(a) Except as provided in Subsection (3), a school district or charter school is subject
261 to a county's land use ordinances.

262 (b)(i) Notwithstanding Subsection (3), a county may:
263 (A) subject a charter school to standards within each zone pertaining to setback,
264 height, bulk and massing regulations, off-site parking, curb cut, traffic
265 circulation, and construction staging; and
266 (B) impose regulations upon the location of a project that are necessary to avoid
267 unreasonable risks to health or safety, as provided in Subsection (3)(f).

268 (ii) The standards to which a county may subject a charter school under Subsection

269 (2)(b)(i) shall be objective standards only and may not be subjective.

270 (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may
271 deny or withhold approval of a charter school's land use application is the charter
272 school's failure to comply with a standard imposed under Subsection (2)(b)(i).

273 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of
274 an obligation to comply with a requirement of an applicable building or safety
275 code to which it is otherwise obligated to comply.

276 (3) A county may not:

277 (a) impose requirements for landscaping, fencing, aesthetic considerations, construction
278 methods or materials, additional building inspections, county building codes,
279 building use for educational purposes, or the placement or use of temporary
280 classroom facilities on school property;

281 (b) except as otherwise provided in this section, require a school district or charter
282 school to participate in the cost of any roadway or sidewalk, or a study on the impact
283 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety
284 of school children and not located on or contiguous to school property, unless the
285 roadway or sidewalk is required to connect an otherwise isolated school site to an
286 existing roadway;

287 (c) require a district or charter school to pay fees not authorized by this section;

288 (d) provide for inspection of school construction or assess a fee or other charges for
289 inspection, unless the school district or charter school is unable to provide for
290 inspection by an inspector, other than the project architect or contractor, who is
291 qualified under criteria established by the state superintendent;

292 (e) require a school district or charter school to pay any impact fee for an improvement
293 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact
294 Fees Act;

295 (f) impose regulations upon the location of an educational facility except as necessary to
296 avoid unreasonable risks to health or safety; or

297 (g) for a land use or a structure owned or operated by a school district or charter school
298 that is not an educational facility but is used in support of providing instruction to
299 pupils, impose a regulation that:

300 (i) is not imposed on a similar land use or structure in the zone in which the land use
301 or structure is approved; or

302 (ii) uses the tax exempt status of the school district or charter school as criteria for

prohibiting or regulating the land use or location of the structure.

(4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the siting of a new school with the county in which the school is to be located, to:

- (a) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and
- (b) maximize school, student, and site safety.

(5) Notwithstanding Subsection (3)(d), a county may, at its discretion:

- (a) provide a walk-through of school construction at no cost and at a time convenient to the district or charter school; and
- (b) provide recommendations based upon the walk-through.

(6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

- (i) a county building inspector;
- (ii)(A) for a school district, a school district building inspector from that school district; or
- (B) for a charter school, a school district building inspector from the school district in which the charter school is located; or
- (iii) an independent, certified building inspector who is not an employee of the contractor, licensed to perform the inspection that the inspector is requested to perform, and approved by a county building inspector or:
 - (A) for a school district, a school district building inspector from that school district; or
 - (B) for a charter school, a school district building inspector from the school district in which the charter school is located.

(b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.

(c) If a school district or charter school uses a school district or independent building inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and county building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.

(7)(a) A charter school, home-based microschool, or micro-education entity shall be considered a permitted use in all zoning districts within a county.

(b) Each land use application for any approval required for a charter school, home-based microschool, or micro-education entity, including an application for a building permit, shall be processed on a first priority basis.

337 (c) Parking requirements for a charter school or micro-education entity may not exceed
338 the minimum parking requirements for schools or other institutional public uses
339 throughout the county.

340 (d) If a county has designated zones for a sexually oriented business, or a business which
341 sells alcohol, a charter school or micro-education entity may be prohibited from a
342 location which would otherwise defeat the purpose for the zone unless the charter
343 school or micro-education entity provides a waiver.

344 (e)(i) A school district[-], charter school, or micro-education entity may seek a
345 certificate authorizing permanent occupancy of a school building from:
346 (A) the state superintendent of public instruction, as provided in Subsection
347 53E-3-706(3), if the school district, charter school, or micro-education entity
348 used an independent building inspector for inspection of the school building; or
349 (B) a county official with authority to issue the certificate, if the school district,
350 charter school, or micro-education entity used a county building inspector for
351 inspection of the school building.

352 (ii) A school district may issue its own certificate authorizing permanent occupancy
353 of a school building if it used its own building inspector for inspection of the
354 school building, subject to the notification requirement of Subsection
355 53E-3-706(3)(d)(ii).

356 (iii) A charter school or micro-education entity may seek a certificate authorizing
357 permanent occupancy of a school building from a school district official with
358 authority to issue the certificate, if the charter school or micro-education entity
359 used a school district building inspector for inspection of the school building.

360 (iv) A certificate authorizing permanent occupancy issued by the state superintendent
361 of public instruction under Subsection 53E-3-706(3) or a school district official
362 with authority to issue the certificate shall be considered to satisfy any county
363 requirement for an inspection or a certificate of occupancy.

364 (f)(i) A micro-education entity may only operate a facility that[-] :
365 (A) meets Group E Occupancy requirements as defined by the International
366 Building Code, as incorporated by Subsection 15A-2-103(1)(a)[-] ; and
367 (B) is subject to and complies with the same occupancy requirements as a Class
368 A-1, A-3, B, or M Occupancy as defined by the International Building Code, as
369 incorporated by Subsection 15A-2-103(1)(a), if the facility meets the
370 requirements described in Subsection (7)(f)(iii).

371 (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i)
372 may have up to 100 students in the facility.

373 (iii)(A) A person may not retrofit a residential unit within a residential zone into a
374 facility described in Subsection (7)(f)(i) for the use of a micro-education entity.

375 (B) A compliance agency, as that term is defined in Section 15A-1-202, shall
376 reject an application for a permit to retrofit a residential unit as described in
377 Subsection (7)(f)(iii)(A).

378 (g) A micro-education entity may not operate a facility [that is subject to and complies
379 with the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as
380 defined by the International Building Code, as incorporated by Subsection
381 15A-2-103(1)(a), if] described in Subsection (7)(f)(i)(B) unless:

382 (i) the facility has a code compliant fire alarm system and carbon monoxide detection
383 system;
384 (ii)(A) each classroom in the facility has an exit directly to the outside at the level
385 of exit discharge; or
386 (B) the structure has a code compliant fire sprinkler system; and
387 (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that
388 are greater than 12,000 square feet.

389 (h)(i) A home-based microschool is not subject to additional occupancy requirements
390 beyond occupancy requirements that apply to a primary dwelling.

391 (ii) If a floor that is below grade in a home-based microschool is used for home-based
392 microschool purposes, the below grade floor of the home-based microschool shall
393 have at least one emergency escape or rescue window that complies with the
394 requirements for emergency escape and rescue windows as defined by the
395 International Residential Code, as incorporated in Section 15A-1-210.

396 (8)(a) A specified public agency intending to develop its land shall submit to the land
397 use authority a development plan and schedule:

398 (i) as early as practicable in the development process, but no later than the
399 commencement of construction; and
400 (ii) with sufficient detail to enable the land use authority to assess:
401 (A) the specified public agency's compliance with applicable land use ordinances;
402 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),
403 (c), (d), (e), and (g) caused by the development;
404 (C) the amount of any applicable fee described in Section 17-79-804;

405 (D) any credit against an impact fee; and
406 (E) the potential for waiving an impact fee.

407 (b) The land use authority shall respond to a specified public agency's submission under
408 Subsection (8)(a) with reasonable promptness in order to allow the specified public
409 agency to consider information the municipality provides under Subsection (8)(a)(ii)
410 in the process of preparing the budget for the development.

411 (9) Nothing in this section may be construed to:

412 (a) modify or supersede Section 17-79-306; or
413 (b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that fails
414 to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing
415 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with
416 Disabilities Act of 1990, 42 U.S.C. 12102, or any other provision of federal law.

417 (10) Nothing in Subsection (7) prevents a political subdivision from:

418 (a) requiring a home-based microschool or micro-education entity to comply with local
419 zoning and land use regulations that do not conflict with this section, including:
420 (i) parking;
421 (ii) traffic; and
422 (iii) hours of operation;
423 (b) requiring a home-based microschool or micro-education entity to obtain a business
424 license;
425 (c) enacting county ordinances and regulations consistent with this section;
426 (d) subjecting a micro-education entity to standards within each zone pertaining to
427 setback, height, bulk and massing regulations, off-site parking, curb cut, traffic
428 circulation, and construction staging; and
429 (e) imposing regulations on the location of a project that are necessary to avoid risks to
430 health or safety.

431 (11) Notwithstanding any other provision of law, the proximity restrictions that apply to
432 community locations do not apply to a micro-education entity.

433 **Section 4. Effective Date.**

434 This bill takes effect on May 6, 2026.