

**Micro-Education Entity Facility Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ariel Defay**

Senate Sponsor:

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**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

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*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.**

- (1)(a) Each county, municipality, school district, charter school, special district, special service district, and political subdivision of the state shall conform to any applicable land use ordinance of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situated within that municipality.
- (b) In addition to any other remedies provided by law, when a municipality's land use ordinance is violated or about to be violated by another political subdivision, that municipality may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.
- (2)(a) Except as provided in Subsection (3), a school district or charter school is subject to a municipality's land use ordinances.
- (b)(i) Notwithstanding Subsection (3), a municipality may:
- (A) subject a charter school to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
  - (B) impose regulations upon the location of a project that are necessary to avoid unreasonable risks to health or safety, as provided in Subsection (3)(f).
- (ii) The standards to which a municipality may subject a charter school under Subsection (2)(b)(i) shall be objective standards only and may not be subjective.
- (iii) Except as provided in Subsection (7)(d), the only basis upon which a municipality may deny or withhold approval of a charter school's land use application is the charter school's failure to comply with a standard imposed under Subsection (2)(b)(i).
- (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an obligation to comply with a requirement of an applicable building or safety code to which it is otherwise obligated to comply.
- (3) A municipality may not:
- (a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, municipal building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;
  - (b) except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk, or a study on the impact 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

- 99 district in which the charter school is located; or
- 100 (iii) an independent, certified building inspector who is not an employee of the
- 101 contractor, licensed to perform the inspection that the inspector is requested to
- 102 perform, and approved by a municipal building inspector or:
- 103 (A) for a school district, a school district building inspector from that school
- 104 district; or
- 105 (B) for a charter school, a school district building inspector from the school
- 106 district in which the charter school is located.
- 107 (b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.
- 108 (c) If a school district or charter school uses a school district or independent building
- 109 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall
- 110 submit to the state superintendent of public instruction and municipal building
- 111 official, on a monthly basis during construction of the school building, a copy of each
- 112 inspection certificate regarding the school building.
- 113 (7)(a) A charter school, home-based microschool, or micro-education entity shall be
- 114 considered a permitted use in all zoning districts within a municipality.
- 115 (b) Each land use application for any approval required for a charter school, home-based
- 116 microschool, or micro-education entity, including an application for a building
- 117 permit, shall be processed on a first priority basis.
- 118 (c) Parking requirements for a charter school or a micro-education entity may not exceed
- 119 the minimum parking requirements for schools or other institutional public uses
- 120 throughout the municipality.
- 121 (d) If a municipality has designated zones for a sexually oriented business, or a business
- 122 which sells alcohol, a charter school or a micro-education entity may be prohibited
- 123 from a location which would otherwise defeat the purpose for the zone unless the
- 124 charter school or micro-education entity provides a waiver.
- 125 (e)(i) A school district, charter school, or micro-education entity may seek a
- 126 certificate authorizing permanent occupancy of a school building from:
- 127 (A) the state superintendent of public instruction, as provided in Subsection
- 128 53E-3-706(3), if the school district or charter school used an independent
- 129 building inspector for inspection of the school building; or
- 130 (B) a municipal official with authority to issue the certificate, if the school district,
- 131 charter school, or micro-education entity used a municipal building inspector
- 132 for inspection of the school building.

- (ii) A school district may issue its own certificate authorizing permanent occupancy of a school building if it used its own building inspector for inspection of the school building, subject to the notification requirement of Subsection 53E-3-706(3)(a).
- (iii) A charter school or micro-education entity may seek a certificate authorizing permanent occupancy of a school building from a school district official with authority to issue the certificate, if the charter school or micro-education entity used a school district building inspector for inspection of the school building.
- (iv) A certificate authorizing permanent occupancy issued by the state superintendent of public instruction under Subsection 53E-3-706(3) or a school district official with authority to issue the certificate shall be considered to satisfy any municipal requirement for an inspection or a certificate of occupancy.
- (f)(i) A micro-education entity may only operate in a facility that[-] :
- (A) meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by Section 15A-2-103[-] ; or
- (B) is subject to and complies with the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if the facility meets the requirements described in Subsection (7)(f)(iii).
- (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i) may have up to 100 students in the facility.
- (iii)(A) A person may not retrofit a residential unit within a residential zone into a facility described in Subsection (7)(f)(i) for the use of a micro-education entity.
- (B) A compliance agency, as that term is defined in Section 15A-1-202, shall reject an application for a permit to retrofit a residential unit as described in Subsection (7)(f)(iii)(A).
- (g) A micro-education entity may not operate in a facility [~~that is subject to and complies with the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as defined by the International Building Code, as incorporated by Section 15A-2-103, if~~] described in Subsection (7)(f)(i)(B) unless:
- (i) the facility has a code compliant fire alarm system and carbon monoxide detection system;
- (ii)(A) each classroom in the facility has an exit directly to the outside at the level 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.

(3) 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;

(c) is unrelated to, independent from, and not affected by the project; and

(d) is outside the scope of work under the permit for the project.

(4) A municipality may require additional permitting, engineering, or inspections for a completed noncompliant structure if it:

(a) has been completed for ten years or less; or

(b) poses a health, life, or safety concern.

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

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.**

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

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

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

(b)(i) Notwithstanding Subsection (3), a county may:

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

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

(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.

- (c) Parking requirements for a charter school or micro-education entity may not exceed the minimum parking requirements for schools or other institutional public uses throughout the county.
- (d) If a county has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school or 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.
- (e)(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, charter school, or micro-education entity used an independent building inspector for inspection of the school building; or
  - (B) a county official with authority to issue the certificate, if the school district, charter school, or micro-education entity used a county building inspector for inspection of the school building.
- (ii) A school district may issue its own certificate authorizing permanent occupancy of a school building if it used its own building inspector for inspection of the school building, subject to the notification requirement of Subsection 53E-3-706(3)(d)(ii).
- (iii) A charter school or micro-education entity may seek a certificate authorizing permanent occupancy of a school building from a school district official with authority to issue the certificate, if the charter school or micro-education entity used a school district building inspector for inspection of the school building.
- (iv) A certificate authorizing permanent occupancy issued by the state superintendent of public instruction under Subsection 53E-3-706(3) or a school district official with authority to issue the certificate shall be considered to satisfy any county requirement for an inspection or a certificate of occupancy.
- (f)(i) A micro-education entity may only operate a facility that[-] :
- (A) meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a)[-] ; and
  - (B) is subject to and complies with the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if the facility meets the 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.