

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

151 (b) except as provided in ~~§~~ **[Subsection]** **Subsections (3) and** ~~§~~ (4), a municipality

151a may not establish any

152 restrictions or requirements for the construction or use of one internal accessory dwelling unit

153 within a primary dwelling, including a restriction or requirement governing:

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

155 (ii) total lot size; or

156 (iii) street frontage.

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

159 (4) A municipality may:

160 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
161 unit;

162 (b) require that an internal accessory dwelling unit be designed in a manner that does
163 not change the appearance of the primary dwelling as a single-family dwelling;

164 (c) require a primary dwelling:

165 (i) to include one additional on-site parking space for an internal accessory dwelling
166 unit, regardless of whether the primary dwelling is existing or new construction; and

167 (ii) to replace any parking spaces contained within a garage or carport if an internal
168 accessory dwelling unit is created within the garage or carport;

169 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
170 defined in Section [57-16-3](#);

171 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
172 internal accessory dwelling unit;

173 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
174 covering an area that is equivalent to:

175 (i) 25% or less of the total area in the municipality that is zoned primarily for
176 residential use; or

177 (ii) 67% or less of the total area in the municipality that is zoned primarily for
178 residential use, if the main campus of a state or private university with a student population of
179 10,000 or more is located within the municipality;

180 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling

243 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings
 244 Act, to conduct a review and determine whether the specific violation described in the written
 245 notice of violation under Subsection (5)(b) has occurred; and

246 (B) notify the owner in writing of the date, time, and location of the hearing described
 247 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.

248 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a
 249 municipality may not record a lien under this Subsection (5) until the municipality holds a
 250 hearing and determines that the specific violation has occurred.

251 (iii) If the municipality determines at the hearing that the specific violation has
 252 occurred, the municipality may impose a lien in an amount of up to \$100 for each day of
 253 violation after the day on which the opportunity to cure the violation expires, regardless of
 254 whether the hearing is held after the day on which the opportunity to cure the violation has
 255 expired.

256 (e) If an owner cures a violation within the time period prescribed in the written notice
 257 of violation under Subsection (5)(b), the municipality may not hold a lien against the property,
 258 or impose any penalty or fee on the owner, in relation to the specific violation described in the
 259 written notice of violation under Subsection (5)(b).

260 (6) (a) A municipality that issues ~~§~~, on or after October 1, 2021, ~~§~~ a permit or
 260a license to ~~§~~ [the] an ~~§~~ owner of ~~§~~ [an internal
 261 accessory dwelling unit] a primary dwelling ~~§~~ to rent ~~§~~ [the] an ~~§~~ internal accessory
 261a dwelling unit, or ~~§~~ [issues] ~~§~~ a building permit
 262 to ~~§~~ [the] an ~~§~~ owner of ~~§~~ [an internal accessory dwelling unit] a primary dwelling ~~§~~ to
 262a create ~~§~~ [the] an ~~§~~ internal accessory dwelling
 263 unit, may record a notice in the office of the recorder of the county in which the ~~§~~ [property]
 263a primary dwelling ~~§~~ is
 264 located.

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

266 (i) a description of the primary dwelling;

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

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

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

273 Section 5. Section **15A-3-202** is amended to read:

531 ~~[(a)]~~ (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

532 ~~[(i)]~~ (A) a detached one-, two-, three-, or four-family dwelling; or

533 ~~[(ii)]~~ (B) a town home that is not more than three stories above grade with a separate

534 means of egress; and

535 ~~[(b)-(i)]~~ (ii) (A) the window in the existing bedroom is smaller than that required by
536 current State Construction Code; and

537 ~~[(ii)]~~ (B) the change would compromise the structural integrity of the structure or could
538 not be completed in accordance with current State Construction Code, including set-back and
539 window well requirements.

540 (b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.

541 (4) Nothing in this section prohibits a county from:

542 (a) regulating the style of window that is required or allowed in a bedroom;

543 (b) requiring that a window in an existing bedroom be fully openable if the openable
544 area is less than required by current State Construction Code; or

545 (c) requiring that an existing window not be reduced in size if the openable area is
546 smaller than required by current State Construction Code.

547 Section 10. Section ~~17-27a-526~~ is enacted to read:

548 **17-27a-526. Internal accessory dwelling units.**

549 (1) As used in this section:

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

551 (i) within a primary dwelling;

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

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

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

556 (i) is detached; and

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

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

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

560 (b) except as provided in ~~§~~ → [Subsection] Subsections (3) and ← ~~§~~ (4), a county may not
560a establish any restrictions or
561 requirements for the construction or use of one internal accessory dwelling unit within a

562 primary dwelling, including a restriction or requirement governing:

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

564 (ii) total lot size; or

565 (iii) street frontage.

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

568 (4) A county may:

569 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
570 unit;

571 (b) require that an internal accessory dwelling unit be designed in a manner that does
572 not change the appearance of the primary dwelling as a single-family dwelling;

573 (c) require a primary dwelling:

574 (i) to include one additional on-site parking space for an internal accessory dwelling
575 unit, regardless of whether the primary dwelling is existing or new construction; and

576 (ii) to replace any parking spaces contained within a garage or carport if an internal
577 accessory dwelling unit is created within the garage or carport;

578 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
579 defined in Section 57-16-3;

580 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
581 internal accessory dwelling unit;

582 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
583 covering an area that is equivalent to ~~§~~ [;] 25% or less of the total unincorporated area in the

583a county that is zoned primarily for residential use; ~~←§~~

584 ~~§~~→ [(i) 25% or less of the total unincorporated area in the municipality that is zoned
585 primarily for residential use; or

586 ~~—— (ii) 67% or less of the total unincorporated area in the county that is zoned primarily~~
587 ~~for residential use, if the main campus of a state or private university with a student population~~
588 ~~of 10,000 or more is located within the unincorporated area of the county;] ~~←§~~~~

589 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling
590 is served by a failing septic tank;

591 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
592 primary dwelling is 6,000 square feet or less in size;

655 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.

656 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a
 657 county may not record a lien under this Subsection (5) until the municipality holds a hearing
 658 and determines that the specific violation has occurred.

659 (iii) If the county determines at the hearing that the specific violation has occurred, the
 660 county may impose a lien in an amount of up to \$100 for each day of violation after the day on
 661 which the opportunity to cure the violation expires, regardless of whether the hearing is held
 662 after the day on which the opportunity to cure the violation has expired.

663 (e) If an owner cures a violation within the time period prescribed in the written notice
 664 of violation under Subsection (5)(b), the county may not hold a lien against the property, or
 665 impose any penalty or fee on the owner, in relation to the specific violation described in the
 666 written notice of violation under Subsection (5)(b).

667 (6) (a) A county that issues ~~§~~, on or after October 1, 2021, ~~§~~ a permit or license to
 667a ~~§~~ [the] an ~~§~~ owner of an ~~§~~ [internal accessory
 668 dwelling unit] a primary dwelling ~~§~~ to rent ~~§~~ [the] an ~~§~~ internal accessory dwelling unit,
 668a or ~~§~~ [issues] ~~§~~ a building permit to ~~§~~ [the] an ~~§~~
 669 owner of ~~§~~ [an internal accessory dwelling unit] a primary dwelling ~~§~~ to create ~~§~~ [the] an
 669a ~~§~~ internal accessory dwelling unit, may
 670 record a notice in the office of the recorder of the county in which the ~~§~~ [property] primary
 670a dwelling ~~§~~ is located.

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

672 (i) a description of the primary dwelling;

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

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

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

679 Section 11. Section **17-50-338** is amended to read:

680 **17-50-338. Ordinances regarding short-term rentals -- Prohibition on ordinances**
 681 **restricting speech on short-term rental websites.**

682 (1) As used in this section:

683 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
 684 [10-9a-511.5](#).

685 [(a)] (b) "Residential unit" means a residential structure or any portion of a residential

996 application was submitted by the owner for review.

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

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

1000 (b) impose and receive any payment, fee, or charge for:

1001 (i) the use, rental, or operation of the common areas, except limited common areas; and

1002 (ii) a service provided to a lot owner;

1003 (c) impose a charge for a late payment of an assessment; or

1004 (d) provide for the indemnification of the association's officers and board consistent
1005 with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

1006 (14) (a) Except as provided in Subsection (14)(b), a rule may not prohibit the owner of
1007 a residential lot from constructing an internal accessory dwelling unit, as defined in Section
1008 10-9a-530, within the owner's residential lot.

1009 (b) Subsection (14)(a) does not apply if the construction would violate:

1010 (i) a local land use ordinance;

1011 (ii) a building code;

1012 (iii) a health code; or

1013 (iv) a fire code.

1014 [~~14~~] (15) A rule shall be reasonable.

1015 [~~15~~] (16) A declaration, or an amendment to a declaration, may vary any of the
1016 requirements of Subsections (1) through (13), except Subsection (1)(b)(ii).

1017 [~~16~~] (17) A rule may not be inconsistent with a provision of the association's
1018 declaration, bylaws, or articles of incorporation.

1019 [~~17~~] (18) This section applies to an association regardless of when the association is
1020 created.

1021 Section 16. **Effective date.**

1022 (1) Except as provided in Subsection (2), this bill takes effect on May 5, 2021.

1023 (2) The actions affecting the following sections take effect on October 1, 2021:

1023a **Ŝ→** (a) Section 10-8-85.4; ←Ŝ

1024 **Ŝ→** [~~(a)~~] **(b)** ←Ŝ Section 10-9a-530;

1025 **Ŝ→** [~~(b)~~] **(c)** ←Ŝ Section 17-27a-526;

1025a **Ŝ→** (d) Section 17-50-338; ←Ŝ

1026 **Ŝ→** [~~(c)~~] **(e)** ←Ŝ Section 57-8a-209; and

1027

§→ ~~(d)~~ (f) ←§ Section [57-8a-218](#).