

**Representative Raymond P. Ward** proposes the following substitute bill:

**SINGLE-FAMILY HOUSING MODIFICATIONS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: Jacob L. Anderegg

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to single-family housing.

**Highlighted Provisions:**

This bill:

- ▶ modifies and defines terms applicable to municipal and county land use development and management;
- ▶ allows municipalities and counties to require specified physical changes to certain accessory dwelling units;
  - ▶ in any single-family residential land use zone:
    - requires municipalities and counties to classify certain accessory dwelling units as a permitted land use; and
    - prohibits municipalities and counties from establishing restrictions or requirements for certain accessory dwelling units with limited exceptions;
- ▶ provides for statewide amendments to the International Residential Code related to accessory dwelling units;
- ▶ requires the executive director of the Olene Walker Housing Loan Fund to establish a program to provide loan guarantees for certain loans related to accessory dwelling units;



- 26           ▶ prevents a homeowners association from prohibiting the construction or rental of
- 27 certain accessory dwelling units; and
- 28           ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           None

33 **Utah Code Sections Affected:**

34 AMENDS:

- 35           **10-9a-505.5**, as last amended by Laws of Utah 2012, Chapter 172
- 36           **10-9a-511.5**, as enacted by Laws of Utah 2015, Chapter 205
- 37           **15A-3-202**, as last amended by Laws of Utah 2020, Chapter 441
- 38           **15A-3-204**, as last amended by Laws of Utah 2016, Chapter 249
- 39           **15A-3-206**, as last amended by Laws of Utah 2018, Chapter 186
- 40           **17-27a-505.5**, as last amended by Laws of Utah 2015, Chapter 465
- 41           **17-27a-510.5**, as enacted by Laws of Utah 2015, Chapter 205
- 42           **35A-8-505**, as last amended by Laws of Utah 2020, Chapter 241
- 43           **57-8a-209**, as last amended by Laws of Utah 2018, Chapter 395
- 44           **57-8a-218**, as last amended by Laws of Utah 2017, Chapter 131

45 ENACTS:

- 46           **10-9a-530**, Utah Code Annotated 1953
- 47           **17-27a-526**, Utah Code Annotated 1953
- 48           **35A-8-504.5**, Utah Code Annotated 1953



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

51           Section 1. Section **10-9a-505.5** is amended to read:

52           **10-9a-505.5. Limit on single family designation.**

53           (1) As used in this section, "single-family limit" means the number of [unrelated]  
54 individuals allowed to occupy each residential unit that is recognized by a land use authority in  
55 a zone permitting occupancy by a single family.

56           (2) A municipality may not adopt a single-family limit that is less than:

57 (a) three, if the municipality has within its boundary:

58 (i) a state university; or

59 (ii) a private university with a student population of at least 20,000; or

60 (b) four, for each other municipality.

61 Section 2. Section **10-9a-511.5** is amended to read:

62 **10-9a-511.5. Changes to dwellings -- Egress windows.**

63 (1) For purposes of this section, "rental dwelling" means the same as that term is  
64 defined in Section [10-8-85.5](#).

65 (2) A municipal ordinance adopted under Section [10-1-203.5](#) may not:

66 (a) require physical changes in a structure with a legal nonconforming rental dwelling  
67 use unless the change is for:

68 (i) the reasonable installation of:

69 (A) a smoke detector that is plugged in or battery operated;

70 (B) a ground fault circuit interrupter protected outlet on existing wiring;

71 (C) street addressing;

72 (D) except as provided in Subsection (3), an egress bedroom window if the existing  
73 bedroom window is smaller than that required by current State Construction Code;

74 (E) an electrical system or a plumbing system, if the existing system is not functioning  
75 or is unsafe as determined by an independent electrical or plumbing professional who is  
76 licensed in accordance with Title 58, Occupations and Professions;

77 (F) hand or guard rails; or

78 (G) occupancy separation doors as required by the International Residential Code; or

79 (ii) the abatement of a structure; or

80 (b) be enforced to terminate a legal nonconforming rental dwelling use.

81 (3) (a) A municipality may not require physical changes to install an egress or  
82 emergency escape window in an existing bedroom that complied with the State Construction  
83 Code in effect at the time the bedroom was finished if:

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

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

86 ~~[(ii)]~~ (B) a town home that is not more than three stories above grade with a separate  
87 means of egress; and

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

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

93           (b) Subsection (3)(a) does not apply to an internal accessory dwelling unit as defined in  
94 Section 10-9a-530.

95           (4) Nothing in this section prohibits a municipality from:

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

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

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

101           Section 3. Section **10-9a-530** is enacted to read:

102           **10-9a-530. Internal accessory dwelling units.**

103           (1) As used in this section:

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

105           (i) within a primary dwelling;

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

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

109           (b) "Primary dwelling" means a detached owner-occupied single-family dwelling.

110           (2) In any single-family residential zone:

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

112           (b) except as provided in Subsection (4), a municipality may not establish any

113 restrictions or requirements for the construction or use of one internal accessory dwelling unit  
114 within a primary dwelling, including a restriction or requirement governing:

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

116           (ii) total lot size; or

117           (iii) street frontage.

118           (3) An internal accessory dwelling unit shall comply with all applicable building and

119 fire codes.

120 (4) A municipality may:

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

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

125 (c) require a primary dwelling:

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

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

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

132 (e) require the owner of the primary dwelling to obtain a permit or license for renting  
133 the internal accessory dwelling unit.

134 Section 4. Section **15A-3-202** is amended to read:

135 **15A-3-202. Amendments to Chapters 1 through 5 of IRC.**

136 (1) In IRC, Section R102, a new Section R102.7.2 is added as follows: "R102.7.2

137 Physical change for bedroom window egress. A structure whose egress window in an existing  
138 bedroom is smaller than required by this code, and that complied with the construction code in  
139 effect at the time that the bedroom was finished, is not required to undergo a physical change to  
140 conform to this code if the change would compromise the structural integrity of the structure or  
141 could not be completed in accordance with other applicable requirements of this code,  
142 including setback and window well requirements."

143 (2) In IRC, Section R108.3, the following sentence is added at the end of the section:  
144 "The building official shall not request proprietary information."

145 (3) In IRC, Section 109:

146 (a) A new IRC, Section 109.1.5, is added as follows: "R109.1.5 Weather-resistant  
147 exterior wall envelope inspections. An inspection shall be made of the weather-resistant  
148 exterior wall envelope as required by Section R703.1 and flashings as required by Section  
149 R703.8 to prevent water from entering the weather-resistive barrier."

150 (b) The remaining sections are renumbered as follows: R109.1.6 Other inspections;  
151 R109.1.6.1 Fire- and smoke-resistance-rated construction inspection; R109.1.6.2 Reinforced  
152 masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection;  
153 and R109.1.7 Final inspection.

154 (4) IRC, Section R114.1, is deleted and replaced with the following: "R114.1 Notice to  
155 owner. Upon notice from the building official that work on any building or structure is being  
156 prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an  
157 unsafe and dangerous manner, such work shall be immediately stopped. The stop work order  
158 shall be in writing and shall be given to the owner of the property involved, or to the owner's  
159 agent or to the person doing the work; and shall state the conditions under which work will be  
160 permitted to resume."

161 (5) In IRC, Section R202, the following definition is added: "ACCESSORY  
162 DWELLING UNIT: A habitable living unit created within the existing footprint of a primary  
163 owner-occupied single-family dwelling."

164 [~~(5)~~] (6) In IRC, Section R202, the following definition is added: "CERTIFIED  
165 BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to  
166 test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction  
167 under Utah Code, Subsection 19-4-104(4)."

168 [~~(6)~~] (7) In IRC, Section R202, the definition of "Cross Connection" is deleted and  
169 replaced with the following: "CROSS CONNECTION. Any physical connection or potential  
170 connection or arrangement between two otherwise separate piping systems, one of which  
171 contains potable water and the other either water of unknown or questionable safety or steam,  
172 gas, or chemical, whereby there exists the possibility for flow from one system to the other,  
173 with the direction of flow depending on the pressure differential between the two systems (see  
174 "Backflow, Water Distribution")."

175 [~~(7)~~] (8) In IRC, Section 202, in the definition for gray water a comma is inserted after  
176 the word "washers"; the word "and" is deleted; and the following is added to the end: "and  
177 clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible;  
178 without objectionable odors; non-highly pigmented; and will not interfere with the operation of  
179 the sewer treatment facility."

180 [~~(8)~~] (9) In IRC, Section R202, the definition of "Potable Water" is deleted and

181 replaced with the following: "POTABLE WATER. Water free from impurities present in  
 182 amounts sufficient to cause disease or harmful physiological effects and conforming to the  
 183 Utah Code, Title 19, Chapter 4, Safe Drinking Water Act, and Title 19, Chapter 5, Water  
 184 Quality Act, and the regulations of the public health authority having jurisdiction."

185 [~~9~~] (10) IRC, Figure R301.2(5), is deleted and replaced with R301.2(5) as follows:

"TABLE R301.2(5)			
GROUND SNOW LOADS FOR SELECTED LOCATIONS IN UTAH			
City/Town	County	Ground Snow Load (lb/ft <sup>2</sup> )	Elevation (ft)
Beaver	Beaver	35	5886
Brigham City	Box Elder	42	4423
Castle Dale	Emery	32	5669
Coalville	Summit	57	5581
Duchesne	Duchesne	39	5508
Farmington	Davis	35	4318
Fillmore	Millard	30	5138
Heber City	Wasatch	60	5604
Junction	Piute	27	6030
Kanab	Kane	25	4964
Loa	Wayne	37	7060
Logan	Cache	43	4531
Manila	Daggett	26	6368
Manti	Sanpete	37	5620
Moab	Grand	21	4029
Monticello	San Juan	67	7064
Morgan	Morgan	52	5062
Nephi	Juab	39	5131
Ogden	Weber	37	4334
Panguitch	Garfield	41	6630
Parowan	Iron	32	6007

210	Price	Carbon	31	5558
211	Provo	Utah	31	4541
212	Randolph	Rich	50	6286
213	Richfield	Sevier	27	5338
214	St. George	Washington	21	2585
215	Salt Lake City	Salt Lake	28	4239
216	Tooele	Tooele	35	5029
217	Vernal	Uintah	39	5384

Note: To convert lb/ft<sup>2</sup> to kN/m<sup>2</sup>, multiply by 0.0479. To convert feet to meters, multiply by 0.3048.

1. Statutory requirements of the Authority Having Jurisdiction are not included in this state ground snow load table.

218 2. For locations where there is substantial change in altitude over the city/town, the load applies at and below the cited elevation, with a tolerance of 100 ft (30 m).

3. For other locations in Utah, see Bean, B., Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for ground snow load values.

219 ~~[(+)]~~ (11) IRC, Section R301.6, is deleted and replaced with the following: "R301.6  
 220 Utah Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the  
 221 jurisdictions identified in that table. Otherwise, for other locations in Utah, see Bean, B.,  
 222 Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and  
 223 Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for  
 224 ground snow load values."

225 ~~[(+)]~~ (12) In IRC, Section R302.2, the following sentence is added after the second  
 226 sentence: "When an access/maintenance agreement or easement is in place, plumbing,  
 227 mechanical ducting, schedule 40 steel gas pipe, and electric service conductors including  
 228 feeders, are permitted to penetrate the common wall at grade, above grade, or below grade."

229 (13) In IRC, Section R302.3, a new exception 3 is added as follows: "3. Accessory  
 230 dwelling units separated by walls or floor assemblies protected by not less than 1/2-inch (12.7  
 231 mm) gypsum board or equivalent on each side of the wall or bottom of the floor assembly are



232 exempt from the requirements of this section."

233 [~~(12)~~] (14) In IRC, Section R302.5.1, the words "self-closing device" are deleted and  
234 replaced with "self-latching hardware."

235 [~~(13)~~] (15) IRC, Section R302.13, is deleted.

236 [~~(14)~~] (16) In IRC, Section R303.4, the number "5" is changed to "3" in the first  
237 sentence.

238 (17) In IRC, Section R310.6, in the exception, the words "or accessory dwelling units"  
239 are added after the words "sleeping rooms".

240 [~~(15)~~] (18) IRC, Sections R311.7.4 through R311.7.5.3, are deleted and replaced with  
241 the following: "R311.7.4 Stair treads and risers. R311.7.5.1 Riser height. The maximum riser  
242 height shall be 8 inches (203 mm). The riser shall be measured vertically between leading  
243 edges of the adjacent treads. The greatest riser height within any flight of stairs shall not  
244 exceed the smallest by more than 3/8 inch (9.5 mm).

245 R311.7.5.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread  
246 depth shall be measured horizontally between the vertical planes of the foremost projection of  
247 adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within  
248 any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder  
249 treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point  
250 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a  
251 minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the  
252 greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by  
253 more than 3/8 inch (9.5 mm).

254 R311.7.5.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater  
255 than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4  
256 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection  
257 shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two  
258 stories, including the nosing at the level of floors and landings. Beveling of nosing shall not  
259 exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading  
260 edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open  
261 risers are permitted, provided that the opening between treads does not permit the passage of a  
262 4-inch diameter (102 mm) sphere.

263 Exceptions.

264 1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

265 2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches  
266 (762 mm) or less."

267 [~~(16)~~] (19) IRC, Section R312.2, is deleted.

268 [~~(17)~~] (20) IRC, Sections R313.1 through R313.2.1, are deleted and replaced with the  
269 following: "R313.1 Design and installation. When installed, automatic residential fire  
270 sprinkler systems for townhouses or one- and two-family dwellings shall be designed and  
271 installed in accordance with Section P2904 or NFPA 13D."

272 (21) In IRC, Section R314.2.2, the words "or accessory dwelling units" are added after  
273 the words "sleeping rooms".

274 (22) In IRC, Section R315.2.2, the words "or accessory dwelling units" are added after  
275 the words "sleeping rooms".

276 [~~(18)~~] (23) In IRC, Section 315.3, the following words are added to the first sentence  
277 after the word "installed": "on each level of the dwelling unit and."

278 [~~(19)~~] (24) In IRC, Section R315.5, a new exception, 3, is added as follows:

279 "3. Hard wiring of carbon monoxide alarms in existing areas shall not be required where the  
280 alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing  
281 the structure, unless there is an attic, crawl space or basement available which could provide  
282 access for hard wiring, without the removal of interior finishes."

283 [~~(20)~~] (25) A new IRC, Section R315.7, is added as follows: " R315.7 Interconnection.  
284 Where more than one carbon monoxide alarm is required to be installed within an individual  
285 dwelling unit in accordance with Section R315.1, the alarm devices shall be interconnected in  
286 such a manner that the actuation of one alarm will activate all of the alarms in the individual  
287 unit. Physical interconnection of smoke alarms shall not be required where listed wireless  
288 alarms are installed and all alarms sound upon activation of one alarm.

289 Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required  
290 where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing  
291 the structure, unless there is an attic, crawl space or basement available which could provide  
292 access for interconnection without the removal of interior finishes."

293 [~~(21)~~] (26) In IRC, Section R317.1.5, the period is deleted and the following language

294 is added to the end of the paragraph: "or treated with a moisture resistant coating."

295 ~~[(22)]~~ (27) In IRC, Section 326.1, the words "residential provisions of the" are added  
296 after the words "pools and spas shall comply with".

297 ~~[(23)]~~ (28) In IRC, Section R403.1.6, a new Exception 3 is added as follows: "3.  
298 When anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be  
299 placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm)  
300 from each end of each plate section at interior bearing walls, interior braced wall lines, and at  
301 all exterior walls."

302 ~~[(24)]~~ (29) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2  
303 and Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816  
304 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located  
305 not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls,  
306 interior braced wall lines, and at all exterior walls."

307 ~~[(25)]~~ (30) In IRC, Section R404.1, a new exception is added as follows: "Exception:  
308 As an alternative to complying with Sections R404.1 through R404.1.5.3, concrete and  
309 masonry foundation walls may be designed in accordance with IBC Sections 1807.1.5 and  
310 1807.1.6 as amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

311 ~~[(26)]~~ (31) In IRC, Section R405.1, a new exception is added as follows: "Exception:  
312 When a geotechnical report has been provided for the property, a drainage system is not  
313 required unless the drainage system is required as a condition of the geotechnical report. The  
314 geological report shall make a recommendation regarding a drainage system."

315 Section 5. Section **15A-3-204** is amended to read:

316 **15A-3-204. Amendments to Chapters 16 through 25 of IRC.**

317 (1) In IRC, Section M1602.2, a new exception is added at the end of Item 6 as follows:  
318 "Exception: The discharge of return air from an accessory dwelling unit into another dwelling  
319 unit, or into an accessory dwelling unit from another dwelling unit, is not prohibited."

320 (2) A new IRC, Section G2401.2, is added as follows: "G2401.2 Meter Protection.  
321 Fuel gas services shall be in an approved location and/or provided with structures designed to  
322 protect the fuel gas meter and surrounding piping from physical damage, including falling,  
323 moving, or migrating ice and snow. If an added structure is used, it must provide access for  
324 service and comply with the IBC or the IRC."

325 Section 6. Section 15A-3-206 is amended to read:

326 **15A-3-206. Amendments to Chapters 36 through 44 and Appendix F of IRC.**

327 (1) In IRC, Section E3601.6.2, a new exception is added as follows: "Exception: An  
 328 occupant of an accessory dwelling unit is not required to have access to the disconnect serving  
 329 the dwelling unit in which they reside."

330 [~~1~~] (2) In IRC, Section E3705.4.5, the following words are added after the word  
 331 "assemblies": "with ungrounded conductors 10 AWG and smaller".

332 [~~2~~] (3) In IRC, Section E3901.9, the following exception is added:  
 333 "Exception: Receptacles or other outlets adjacent to the exterior walls of the garage, outlets  
 334 adjacent to an exterior wall of the garage, or outlets in a storage room with entry from the  
 335 garage may be connected to the garage branch circuit."

336 [~~3~~] (4) IRC, Section E3902.16 is deleted.

337 [~~4~~] (5) In Section E3902.17:

338 (a) following the word "Exception" the number "1." is added; and

339 (b) at the end of the section, the following sentences are added:

340 "2. This section does not apply for a simple move or an extension of a branch circuit or an  
 341 outlet which does not significantly increase the existing electrical load. This exception does  
 342 not include changes involving remodeling or additions to a residence."

343 [~~5~~] (6) IRC, Chapter 44, is amended by adding the following reference standard:

"Standard reference number	Title	Referenced in code section number
USC-FCCCHR 10th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Table P2902.3"

346 [~~6~~] (7) (a) When passive radon controls or portions thereof are voluntarily installed,  
 347 the voluntary installation shall comply with Appendix F of the IRC.

348 (b) An additional inspection of a voluntary installation described in Subsection [~~6~~]  
 349 (7)(a) is not required.

350 Section 7. Section 17-27a-505.5 is amended to read:

351 **17-27a-505.5. Limit on single family designation.**

352 (1) As used in this section, "single-family limit" means the number of [unrelated]  
353 individuals allowed to occupy each residential unit that is recognized by a land use authority in  
354 a zone permitting occupancy by a single family.

355 (2) A county may not adopt a single-family limit that is less than:

356 (a) three, if the county has within its unincorporated area:

357 (i) a state university;

358 (ii) a private university with a student population of at least 20,000; or

359 (iii) a mountainous planning district; or

360 (b) four, for each other county.

361 Section 8. Section **17-27a-510.5** is amended to read:

362 **17-27a-510.5. Changes to dwellings -- Egress windows.**

363 (1) For purposes of this section, "rental dwelling" means the same as that term is  
364 defined in Section [10-8-85.5](#).

365 (2) A county ordinance adopted under Section [10-1-203.5](#) may not:

366 (a) require physical changes in a structure with a legal nonconforming rental dwelling  
367 use unless the change is for:

368 (i) the reasonable installation of:

369 (A) a smoke detector that is plugged in or battery operated;

370 (B) a ground fault circuit interrupter protected outlet on existing wiring;

371 (C) street addressing;

372 (D) except as provided in Subsection (3), an egress bedroom window if the existing  
373 bedroom window is smaller than that required by current State Construction Code;

374 (E) an electrical system or a plumbing system, if the existing system is not functioning  
375 or is unsafe as determined by an independent electrical or plumbing professional who is  
376 licensed in accordance with Title 58, Occupations and Professions;

377 (F) hand or guard rails; or

378 (G) occupancy separation doors as required by the International Residential Code; or

379 (ii) the abatement of a structure; or

380 (b) be enforced to terminate a legal nonconforming rental dwelling use.

381 (3) (a) A county may not require physical changes to install an egress or emergency  
382 escape window in an existing bedroom that complied with the State Construction Code in

383 effect at the time the bedroom was finished if:

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

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

386 ~~[(ii)]~~ (B) a town home that is not more than three stories above grade with a separate  
387 means of egress; and

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

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

393 (b) Subsection (3)(a) does not apply to an internal accessory dwelling unit as defined in  
394 Section 17-27a-526.

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

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

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

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

401 Section 9. Section 17-27a-526 is enacted to read:

402 **17-27a-526. Internal accessory dwelling units.**

403 (1) As used in this section:

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

405 (i) within a primary dwelling;

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

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

409 (b) "Primary dwelling" means a detached owner-occupied single-family dwelling.

410 (2) In any single-family residential zone:

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

412 (b) except as provided in Subsection (4), a county may not establish any restrictions or  
413 requirements for the construction or use of one internal accessory dwelling unit within a

414 primary dwelling, including a restriction or requirement governing:

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

416 (ii) total lot size; or

417 (iii) street frontage.

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

420 (4) A county may:

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

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

425 (c) require a primary dwelling:

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

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

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

432 (e) require the owner of the primary dwelling to obtain a permit or license for renting  
433 the internal accessory dwelling unit.

434 Section 10. Section **35A-8-504.5** is enacted to read:

435 **35A-8-504.5. Low-income ADU loan guarantee program.**

436 (1) As used in this section:

437 (a) "Accessory dwelling unit" means the same as that term is defined in Section  
438 [10-9a-103](#).

439 (b) "Borrower" means a residential property owner who receives a low-income ADU  
440 loan from a lender.

441 (c) "Lender" means a trust company, savings bank, savings and loan association, bank,  
442 credit union, or any other entity that provides low-income ADU loans directly to borrowers.

443 (d) "Low-income ADU loan" means a loan made by a lender to a borrower for the  
444 purpose of financing the construction of an accessory dwelling unit that is:

- 445 (i) located on the borrower's residential property; and
- 446 (ii) rented to a low-income individual.
- 447 (e) "Low-income individual" means an individual whose household income is less than
- 448 80% of the area median income.
- 449 (2) The executive director shall establish a program to provide loan guarantees on
- 450 behalf of borrowers for the purpose of insuring the repayment of low-income ADU loans.
- 451 (3) The executive director may not provide a loan guarantee for a low-income ADU
- 452 loan under this section unless:
- 453 (a) the lender:
  - 454 (i) agrees in writing to participate in the loan guarantee program;
  - 455 (ii) makes available to prospective borrowers the option of receiving a low-income
  - 456 ADU loan that:
    - 457 (A) has a term of 15 years; and
    - 458 (B) charges interest at a fixed rate;
    - 459 (iii) monitors the activities of the borrower on a yearly basis during the term of the loan
    - 460 to ensure the borrower's compliance with:
      - 461 (A) Subsection (3)(c); and
      - 462 (B) any other term or condition of the loan; and
      - 463 (iv) promptly notifies the executive director in writing if the borrower fails to comply
      - 464 with:
        - 465 (A) Subsection (3)(c); or
        - 466 (B) any other term or condition of the loan;
        - 467 (b) the loan terms of the low-income ADU loan:
          - 468 (i) are consistent with the loan terms described in Subsection (3)(a)(ii); or
          - 469 (ii) if different from the loan terms described in Subsection (3)(a)(ii), are mutually
          - 470 agreed upon by the lender and the borrower; and
          - 471 (c) the borrower:
            - 472 (i) agrees in writing to participate in the loan guarantee program;
            - 473 (ii) constructs an accessory dwelling unit on the borrower's residential property within
            - 474 one year after the day on which the borrower receives the loan;
            - 475 (iii) occupies the primary residence to which the accessory dwelling unit is associated:



- 476 (A) after the accessory dwelling unit is completed; and
  - 477 (B) for the remainder of the term of the loan; and
  - 478 (iv) rents the accessory dwelling unit to a low-income individual:
  - 479 (A) after the accessory dwelling unit is completed; and
  - 480 (B) for the remainder of the term of the loan.
  - 481 (4) At the direction of the board, the executive director shall make rules in accordance
  - 482 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
  - 483 (a) the minimum criteria for lenders and borrowers to participate in the loan guarantee
  - 484 program;
  - 485 (b) the terms and conditions for loan guarantees provided under this section, consistent
  - 486 with Subsection (3); and
  - 487 (c) procedures for the loan guarantee process.
- 488 Section 11. Section **35A-8-505** is amended to read:
- 489 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**
- 490 **director.**
- 491 At the direction of the board, the executive director may:
- 492 (1) provide fund money to any of the following activities:
  - 493 (a) the acquisition, rehabilitation, or new construction of low-income housing units;
  - 494 (b) matching funds for social services projects directly related to providing housing for
  - 495 special-need renters in assisted projects;
  - 496 (c) the development and construction of accessible housing designed for low-income
  - 497 persons;
  - 498 (d) the construction or improvement of a shelter or transitional housing facility that
  - 499 provides services intended to prevent or minimize homelessness among members of a specific
  - 500 homeless subpopulation;
  - 501 (e) the purchase of an existing facility to provide temporary or transitional housing for
  - 502 the homeless in an area that does not require rezoning before providing such temporary or
  - 503 transitional housing;
  - 504 (f) the purchase of land that will be used as the site of low-income housing units;
  - 505 (g) the preservation of existing affordable housing units for low-income persons; [~~and~~]
  - 506 (h) providing loan guarantees under Section [35A-8-504.5](#); and

507           ~~(h)~~ (i) other activities that will assist in minimizing homelessness or improving the  
508 availability or quality of housing in the state for low-income persons; and

509           (2) do any act necessary or convenient to the exercise of the powers granted by this part  
510 or reasonably implied from those granted powers, including:

511           (a) making or executing contracts and other instruments necessary or convenient for  
512 the performance of the executive director and board's duties and the exercise of the executive  
513 director and board's powers and functions under this part, including contracts or agreements for  
514 the servicing and originating of mortgage loans;

515           (b) procuring insurance against a loss in connection with property or other assets held  
516 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

517           (c) entering into agreements with a department, agency, or instrumentality of the  
518 United States or this state and with mortgagors and mortgage lenders for the purpose of  
519 planning and regulating and providing for the financing and refinancing, purchase,  
520 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,  
521 or other disposition of residential housing undertaken with the assistance of the department  
522 under this part;

523           (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,  
524 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or  
525 personal property obtained by the fund due to the default on a mortgage loan held by the fund  
526 in preparation for disposition of the property, taking assignments of leases and rentals,  
527 proceeding with foreclosure actions, and taking other actions necessary or incidental to the  
528 performance of its duties; and

529           (e) selling, at a public or private sale, with public bidding, a mortgage or other  
530 obligation held by the fund.

531           Section 12. Section **57-8a-209** is amended to read:

532           **57-8a-209. Rental restrictions.**

533           (1) (a) Subject to Subsections (1)(b), (5), ~~and~~ (6), and (10), an association may:

534           (i) create restrictions on the number and term of rentals in an association; or

535           (ii) prohibit rentals in the association.

536           (b) An association that creates a rental restriction or prohibition in accordance with  
537 Subsection (1)(a) shall create the rental restriction or prohibition in a recorded declaration of

538 covenants, conditions, and restrictions, or by amending the recorded declaration of covenants,  
539 conditions, and restrictions.

540 (2) If an association prohibits or imposes restrictions on the number and term of  
541 rentals, the restrictions shall include:

542 (a) a provision that requires the association to exempt from the rental restrictions the  
543 following lot owner and the lot owner's lot:

544 (i) a lot owner in the military for the period of the lot owner's deployment;

545 (ii) a lot occupied by a lot owner's parent, child, or sibling;

546 (iii) a lot owner whose employer has relocated the lot owner for two years or less;

547 (iv) a lot owned by an entity that is occupied by an individual who:

548 (A) has voting rights under the entity's organizing documents; and

549 (B) has a 25% or greater share of ownership, control, and right to profits and losses of  
550 the entity; or

551 (v) a lot owned by a trust or other entity created for estate planning purposes if the trust  
552 or other estate planning entity was created for:

553 (A) the estate of a current resident of the lot; or

554 (B) the parent, child, or sibling of the current resident of the lot;

555 (b) a provision that allows a lot owner who has a rental in the association before the  
556 time the rental restriction described in Subsection (1)(a) is recorded with the county recorder of  
557 the county in which the association is located to continue renting until:

558 (i) the lot owner occupies the lot;

559 (ii) an officer, owner, member, trustee, beneficiary, director, or person holding a  
560 similar position of ownership or control of an entity or trust that holds an ownership interest in  
561 the lot, occupies the lot; or

562 (iii) the lot is transferred; and

563 (c) a requirement that the association create, by rule or resolution, procedures to:

564 (i) determine and track the number of rentals and lots in the association subject to the  
565 provisions described in Subsections (2)(a) and (b); and

566 (ii) ensure consistent administration and enforcement of the rental restrictions.

567 (3) For purposes of Subsection (2)(b)(iii), a transfer occurs when one or more of the  
568 following occur:

569 (a) the conveyance, sale, or other transfer of a lot by deed;  
570 (b) the granting of a life estate in the lot; or  
571 (c) if the lot is owned by a limited liability company, corporation, partnership, or other  
572 business entity, the sale or transfer of more than 75% of the business entity's share, stock,  
573 membership interests, or partnership interests in a 12-month period.

574 (4) This section does not limit or affect residency age requirements for an association  
575 that complies with the requirements of the Housing for Older Persons Act, 42 U.S.C. Sec.  
576 3607.

577 (5) A declaration of covenants, conditions, and restrictions or amendments to the  
578 declaration of covenants, conditions, and restrictions recorded before the transfer of the first lot  
579 from the initial declarant may prohibit or restrict rentals without providing for the exceptions,  
580 provisions, and procedures required under Subsection (2).

581 (6) (a) Subsections (1) through (5) do not apply to:

- 582 (i) an association that contains a time period unit as defined in Section 57-8-3;
- 583 (ii) any other form of timeshare interest as defined in Section 57-19-2; or
- 584 (iii) subject to Subsection (6)(b), an association that is formed before May 12, 2009,  
585 unless, on or after May 12, 2015, the association:

- 586 (A) adopts a rental restriction or prohibition; or
- 587 (B) amends an existing rental restriction or prohibition.

588 (b) An association that adopts a rental restriction or amends an existing rental  
589 restriction or prohibition before May 9, 2017, is not required to include the exemption  
590 described in Subsection (2)(a)(iv).

591 (7) Notwithstanding this section, an association may restrict or prohibit rentals without  
592 an exception described in Subsection (2) if:

- 593 (a) the restriction or prohibition receives unanimous approval by all lot owners; and
- 594 (b) when the restriction or prohibition requires an amendment to the association's  
595 recorded declaration of covenants, conditions, and restrictions, the association fulfills all other  
596 requirements for amending the recorded declaration of covenants, conditions, and restrictions  
597 described in the association's governing documents.

598 (8) Except as provided in Subsection (9), an association may not require a lot owner  
599 who owns a rental lot to:

- 600 (a) obtain the association's approval of a prospective renter;
- 601 (b) give the association:
  - 602 (i) a copy of a rental application;
  - 603 (ii) a copy of a renter's or prospective renter's credit information or credit report;
  - 604 (iii) a copy of a renter's or prospective renter's background check; or
  - 605 (iv) documentation to verify the renter's age; or
- 606 (c) pay an additional assessment, fine, or fee because the lot is a rental lot.

607 (9) (a) A lot owner who owns a rental lot shall give an association the documents  
608 described in Subsection (8)(b) if the lot owner is required to provide the documents by court  
609 order or as part of discovery under the Utah Rules of Civil Procedure.

610 (b) If an association's declaration of covenants, conditions, and restrictions lawfully  
611 prohibits or restricts occupancy of the lots by a certain class of individuals, the association may  
612 require a lot owner who owns a rental lot to give the association the information described in  
613 Subsection (8)(b), if:

614 (i) the information helps the association determine whether the renter's occupancy of  
615 the lot complies with the association's declaration of covenants, conditions, and restrictions;  
616 and

617 (ii) the association uses the information to determine whether the renter's occupancy of  
618 the lot complies with the association's declaration of covenants, conditions, and restrictions.

619 (10) Notwithstanding Subsection (1)(a), an association may not restrict or prohibit the  
620 rental of an internal accessory dwelling unit, as defined in Section [10-9a-530](#), constructed  
621 within a lot owner's residential lot, if the internal accessory dwelling unit complies with all  
622 applicable:

- 623 (a) land use ordinances;
- 624 (b) building codes; and
- 625 (c) fire codes.

626 [~~(10)~~] (11) The provisions of Subsections (8) [~~and (9)~~] through (10) apply to an  
627 association regardless of when the association is created.

628 Section 13. Section **57-8a-218** is amended to read:

629 **57-8a-218. Equal treatment by rules required -- Limits on association rules and**  
630 **design criteria.**

631 (1) (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot  
632 owners similarly.

633 (b) Notwithstanding Subsection (1)(a), a rule may:

634 (i) vary according to the level and type of service that the association provides to lot  
635 owners;

636 (ii) differ between residential and nonresidential uses; and

637 (iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable  
638 limit on the number of individuals who may use the common areas and facilities as guests of  
639 the lot tenant or lot owner.

640 (2) (a) If a lot owner owns a rental lot and is in compliance with the association's  
641 governing documents and any rule that the association adopts under Subsection (4), a rule may  
642 not treat the lot owner differently because the lot owner owns a rental lot.

643 (b) Notwithstanding Subsection (2)(a), a rule may:

644 (i) limit or prohibit a rental lot owner from using the common areas for purposes other  
645 than attending an association meeting or managing the rental lot;

646 (ii) if the rental lot owner retains the right to use the association's common areas, even  
647 occasionally:

648 (A) charge a rental lot owner a fee to use the common areas; or

649 (B) for a lot that an owner leases for a term of less than 30 days, impose a reasonable  
650 limit on the number of individuals who may use the common areas and facilities as guests of  
651 the lot tenant or lot owner; or

652 (iii) include a provision in the association's governing documents that:

653 (A) requires each tenant of a rental lot to abide by the terms of the governing  
654 documents; and

655 (B) holds the tenant and the rental lot owner jointly and severally liable for a violation  
656 of a provision of the governing documents.

657 (3) (a) A rule criterion may not abridge the rights of a lot owner to display religious  
658 and holiday signs, symbols, and decorations inside a dwelling on a lot.

659 (b) Notwithstanding Subsection (3)(a), the association may adopt time, place, and  
660 manner restrictions with respect to displays visible from outside the dwelling or lot.

661 (4) (a) A rule may not regulate the content of political signs.

- 662 (b) Notwithstanding Subsection (4)(a):
- 663 (i) a rule may regulate the time, place, and manner of posting a political sign; and
- 664 (ii) an association design provision may establish design criteria for political signs.
- 665 (5) (a) A rule may not interfere with the freedom of a lot owner to determine the
- 666 composition of the lot owner's household.
- 667 (b) Notwithstanding Subsection (5)(a), an association may:
- 668 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
- 669 or
- 670 (ii) limit the total number of occupants permitted in each residential dwelling on the
- 671 basis of the residential dwelling's:
- 672 (A) size and facilities; and
- 673 (B) fair use of the common areas.
- 674 (6) (a) A rule may not interfere with an activity of a lot owner within the confines of a
- 675 dwelling or lot, to the extent that the activity is in compliance with local laws and ordinances.
- 676 (b) Notwithstanding Subsection (6)(a), a rule may prohibit an activity within a dwelling
- 677 on an owner's lot if the activity:
- 678 (i) is not normally associated with a project restricted to residential use; or
- 679 (ii) (A) creates monetary costs for the association or other lot owners;
- 680 (B) creates a danger to the health or safety of occupants of other lots;
- 681 (C) generates excessive noise or traffic;
- 682 (D) creates unsightly conditions visible from outside the dwelling;
- 683 (E) creates an unreasonable source of annoyance to persons outside the lot; or
- 684 (F) if there are attached dwellings, creates the potential for smoke to enter another lot
- 685 owner's dwelling, the common areas, or limited common areas.
- 686 (c) If permitted by law, an association may adopt rules described in Subsection (6)(b)
- 687 that affect the use of or behavior inside the dwelling.
- 688 (7) (a) A rule may not, to the detriment of a lot owner and over the lot owner's written
- 689 objection to the board, alter the allocation of financial burdens among the various lots.
- 690 (b) Notwithstanding Subsection (7)(a), an association may:
- 691 (i) change the common areas available to a lot owner;
- 692 (ii) adopt generally applicable rules for the use of common areas; or

- 693 (iii) deny use privileges to a lot owner who:
- 694 (A) is delinquent in paying assessments;
- 695 (B) abuses the common areas; or
- 696 (C) violates the governing documents.
- 697 (c) This Subsection (7) does not permit a rule that:
- 698 (i) alters the method of levying assessments; or
- 699 (ii) increases the amount of assessments as provided in the declaration.
- 700 (8) (a) Subject to Subsection (8)(b), a rule may not:
- 701 (i) prohibit the transfer of a lot; or
- 702 (ii) require the consent of the association or board to transfer a lot.
- 703 (b) Unless contrary to a declaration, a rule may require a minimum lease term.
- 704 (9) (a) A rule may not require a lot owner to dispose of personal property that was in or
- 705 on a lot before the adoption of the rule or design criteria if the personal property was in
- 706 compliance with all rules and other governing documents previously in force.
- 707 (b) The exemption in Subsection (9)(a):
- 708 (i) applies during the period of the lot owner's ownership of the lot; and
- 709 (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption of
- 710 the rule described in Subsection (9)(a).
- 711 (10) A rule or action by the association or action by the board may not unreasonably
- 712 impede a declarant's ability to satisfy existing development financing for community
- 713 improvements and right to develop:
- 714 (a) the project; or
- 715 (b) other properties in the vicinity of the project.
- 716 (11) A rule or association or board action may not interfere with:
- 717 (a) the use or operation of an amenity that the association does not own or control; or
- 718 (b) the exercise of a right associated with an easement.
- 719 (12) A rule may not divest a lot owner of the right to proceed in accordance with a
- 720 completed application for design review, or to proceed in accordance with another approval
- 721 process, under the terms of the governing documents in existence at the time the completed
- 722 application was submitted by the owner for review.
- 723 (13) Unless otherwise provided in the declaration, an association may by rule:



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

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

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

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

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

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

732 (14) (a) Except as provided in Subsection (14)(b), a rule may not prohibit the owner of  
733 a residential lot from constructing an internal accessory dwelling unit, as defined in Section  
734 10-9a-530, within the owner's residential lot.

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

736 (i) a local land use ordinance;

737 (ii) a building code; or

738 (iii) a fire code.

739 [~~14~~] (15) A rule shall be reasonable.

740 [~~15~~] (16) A declaration, or an amendment to a declaration, may vary any of the  
741 requirements of Subsections (1) through (13), except Subsection (1)(b)(ii).

742 [~~16~~] (17) A rule may not be inconsistent with a provision of the association's  
743 declaration, bylaws, or articles of incorporation.

744 [~~17~~] (18) This section applies to an association regardless of when the association is  
745 created.