

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

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 a municipality or county to punish an individual who lists or offers a certain licensed or permitted accessory dwelling unit as a short-term rental;
- ▶ 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;
- ▶ allows a municipality or county to hold a lien against real property containing certain accessory dwelling units in certain circumstances;
- ▶ provides for statewide amendments to the International Residential Code related to



- 26 accessory dwelling units;
- 27 ▶ requires the executive director of the Olene Walker Housing Loan Fund to establish
- 28 a two-year pilot program to provide loan guarantees for certain loans related to
- 29 accessory dwelling units;
- 30 ▶ prevents a homeowners association from prohibiting the construction or rental of
- 31 certain accessory dwelling units; and
- 32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 This bill provides a special effective date.

37 **Utah Code Sections Affected:**

38 AMENDS:

- 39 10-8-85.4, as enacted by Laws of Utah 2017, Chapter 335
- 40 10-9a-505.5, as last amended by Laws of Utah 2012, Chapter 172
- 41 10-9a-511.5, as enacted by Laws of Utah 2015, Chapter 205
- 42 15A-3-202, as last amended by Laws of Utah 2020, Chapter 441
- 43 15A-3-204, as last amended by Laws of Utah 2016, Chapter 249
- 44 15A-3-206, as last amended by Laws of Utah 2018, Chapter 186
- 45 17-27a-505.5, as last amended by Laws of Utah 2015, Chapter 465
- 46 17-27a-510.5, as enacted by Laws of Utah 2015, Chapter 205
- 47 17-50-338, as enacted by Laws of Utah 2017, Chapter 335
- 48 35A-8-505, as last amended by Laws of Utah 2020, Chapter 241
- 49 57-8a-209, as last amended by Laws of Utah 2018, Chapter 395
- 50 57-8a-218, as last amended by Laws of Utah 2017, Chapter 131

51 ENACTS:

- 52 10-9a-530, Utah Code Annotated 1953
- 53 17-27a-526, Utah Code Annotated 1953
- 54 35A-8-504.5, Utah Code Annotated 1953



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

57 Section 1. Section **10-8-85.4** is amended to read:

58 **10-8-85.4. Ordinances regarding short-term rentals -- Prohibition on ordinances**
59 **restricting speech on short-term rental websites.**

60 (1) As used in this section:

61 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
62 10-9a-511.5.

63 [~~(a)~~] (b) "Residential unit" means a residential structure or any portion of a residential
64 structure that is occupied as a residence.

65 [~~(b)~~] (c) "Short-term rental" means a residential unit or any portion of a residential unit
66 that the owner of record or the lessee of the residential unit offers for occupancy for fewer than
67 30 consecutive days.

68 [~~(c)~~] (d) "Short-term rental website" means a website that:

69 (i) allows a person to offer a short-term rental to one or more prospective renters; and

70 (ii) facilitates the renting of, and payment for, a short-term rental.

71 (2) Notwithstanding Section 10-9a-501 or Subsection 10-9a-503(1), a legislative body
72 may not:

73 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
74 short-term rental on a short-term rental website; or

75 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,
76 prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term
77 rental on a short-term rental website.

78 (3) Subsection (2) does not apply to an individual who:

79 (a) obtains or is required to obtain a permit or license from the municipality to rent an
80 internal accessory dwelling unit; and

81 (b) lists or offers the unit described in Subsection (3)(a) as a short-term rental on a
82 short-term rental website.

83 Section 2. Section **10-9a-505.5** is amended to read:

84 **10-9a-505.5. Limit on single family designation.**

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

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

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

90 (i) a state university; or

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

92 (b) four, for each other municipality.

93 Section 3. Section **10-9a-511.5** is amended to read:

94 **10-9a-511.5. Changes to dwellings -- Egress windows.**

95 (1) ~~[For purposes of]~~ As used in this section~~["rental"]~~:

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

97 (i) within a primary dwelling;

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

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

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

102 (i) is detached; and

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

104 (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

105 (2) A municipal ordinance adopted under Section **10-1-203.5** may not:

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

108 (i) the reasonable installation of:

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

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

111 (C) street addressing;

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

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

117 (F) hand or guard rails; or

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

119 (ii) the abatement of a structure; or
 120 (b) be enforced to terminate a legal nonconforming rental dwelling use.
 121 (3) (a) A municipality may not require physical changes to install an egress or
 122 emergency escape window in an existing bedroom that complied with the State Construction
 123 Code in effect at the time the bedroom was finished if:

124 ~~[(a)]~~ (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:
 125 ~~[(i)]~~ (A) a detached one-, two-, three-, or four-family dwelling; or
 126 ~~[(ii)]~~ (B) a town home that is not more than three stories above grade with a separate
 127 means of egress; and

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

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

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

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

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

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

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

140 Section 4. Section **10-9a-530** is enacted to read:

141 **10-9a-530. Internal accessory dwelling units.**

142 (1) As used in this section:

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

144 (i) within a primary dwelling;

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

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

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

149 (i) is detached; and

150 (ii) is occupied as the primary residence of the owner of record.
151 (2) In any area zoned primarily for residential use:
152 (a) the use of an internal accessory dwelling unit is a permitted use; and
153 (b) except as provided in Subsection (4), a municipality may not establish any
154 restrictions or requirements for the construction or use of one internal accessory dwelling unit
155 within a primary dwelling, including a restriction or requirement governing:
156 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
157 (ii) total lot size; or
158 (iii) street frontage.
159 (3) An internal accessory dwelling unit shall comply with all applicable building,
160 health, and fire codes.
161 (4) A municipality may:
162 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling
163 unit;
164 (b) require that an internal accessory dwelling unit be designed in a manner that does
165 not change the appearance of the primary dwelling as a single-family dwelling;
166 (c) require a primary dwelling:
167 (i) to include one additional on-site parking space for an internal accessory dwelling
168 unit, regardless of whether the primary dwelling is existing or new construction; and
169 (ii) to replace any parking spaces contained within a garage or carport if an internal
170 accessory dwelling unit is created within the garage or carport;
171 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
172 defined in Section [57-16-3](#);
173 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
174 internal accessory dwelling unit;
175 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
176 covering an area that is equivalent to:
177 (i) 25% or less of the total area in the municipality that is zoned primarily for
178 residential use; or
179 (ii) 67% or less of the total area in the municipality that is zoned primarily for
180 residential use, if the main campus of a state or private university with a student population of

181 10,000 or more is located within the municipality;

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

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

186 (i) prohibit the rental of an internal accessory dwelling unit for a period of less than 30
187 consecutive days;

188 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory
189 dwelling unit is located in a dwelling that is not occupied as the owner's primary residence; and

190 (k) hold a lien against a property that contains an internal accessory dwelling unit in
191 accordance with Subsection (5).

192 (5) (a) In addition to any other legal or equitable remedies available to a municipality, a
193 municipality may hold a lien against a property that contains an internal accessory dwelling
194 unit if:

195 (i) the owner of the property violates any of the provisions of this section or any
196 ordinance adopted under Subsection (4);

197 (ii) the municipality provides a written notice of violation in accordance with
198 Subsection (5)(b);

199 (iii) the owner fails to cure the violation within the time period prescribed in the
200 written notice of violation under Subsection (5)(b);

201 (iv) the municipality provides a written notice of lien in accordance with Subsection
202 (5)(c); and

203 (v) the municipality records a copy of the written notice of lien described in Subsection
204 (5)(a)(iv) with the county recorder of the county in which the property is located.

205 (b) The written notice of violation shall:

206 (i) describe the specific violation;

207 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
208 to cure the violation that is:

209 (A) no less than 14 days after the day on which the municipality sends the written
210 notice of violation, if the violation results from the owner renting the internal accessory
211 dwelling unit for a period of less than 30 consecutive days; or

212 (B) no less than 30 days after the day on which the municipality sends the written
213 notice of violation, for any other violation;

214 (iii) state that if the owner of the property fails to cure the violation within the time
215 period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property
216 in an amount of up to \$100 for each day of violation after the day on which the opportunity to
217 cure the violation expires;

218 (iv) be mailed to:

219 (A) the property's owner of record; and

220 (B) any other individual designated to receive notice in the owner's license or permit
221 records; and

222 (v) be posted on the property.

223 (c) The written notice of lien shall:

224 (i) comply with the requirements of Section [38-12-102](#);

225 (ii) state that the property is subject to a lien;

226 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
227 the day on which the opportunity to cure the violation expires;

228 (iv) be mailed to:

229 (A) the property's owner of record; and

230 (B) any other individual designated to receive notice in the owner's license or permit
231 records; and

232 (v) be posted on the property.

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

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

238 **15A-3-202. Amendments to Chapters 1 through 5 of IRC.**

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

240 Physical change for bedroom window egress. A structure whose egress window in an existing
241 bedroom is smaller than required by this code, and that complied with the construction code in
242 effect at the time that the bedroom was finished, is not required to undergo a physical change to

243 conform to this code if the change would compromise the structural integrity of the structure or
244 could not be completed in accordance with other applicable requirements of this code,
245 including setback and window well requirements."

246 (2) In IRC, Section R108.3, the following sentence is added at the end of the section:

247 "The building official shall not request proprietary information."

248 (3) In IRC, Section 109:

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

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

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

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

267 [~~(5)~~] (6) In IRC, Section R202, the following definition is added: "CERTIFIED
268 BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to
269 test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction
270 under Utah Code, Subsection 19-4-104(4)."

271 [~~(6)~~] (7) In IRC, Section R202, the definition of "Cross Connection" is deleted and
272 replaced with the following: "CROSS CONNECTION. Any physical connection or potential
273 connection or arrangement between two otherwise separate piping systems, one of which

274 contains potable water and the other either water of unknown or questionable safety or steam,
 275 gas, or chemical, whereby there exists the possibility for flow from one system to the other,
 276 with the direction of flow depending on the pressure differential between the two systems (see
 277 "Backflow, Water Distribution")."

278 [~~(7)~~] (8) In IRC, Section 202, in the definition for gray water a comma is inserted after
 279 the word "washers"; the word "and" is deleted; and the following is added to the end: "and
 280 clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible;
 281 without objectionable odors; non-highly pigmented; and will not interfere with the operation of
 282 the sewer treatment facility."

283 [~~(8)~~] (9) In IRC, Section R202, the definition of "Potable Water" is deleted and
 284 replaced with the following: "POTABLE WATER. Water free from impurities present in
 285 amounts sufficient to cause disease or harmful physiological effects and conforming to the
 286 Utah Code, Title 19, Chapter 4, Safe Drinking Water Act, and Title 19, Chapter 5, Water
 287 Quality Act, and the regulations of the public health authority having jurisdiction."

288 [~~(9)~~] (10) IRC, Figure R301.2(5), is deleted and replaced with R301.2(5) as follows:

289 "TABLE R301.2(5)

290 GROUND SNOW LOADS FOR SELECTED LOCATIONS IN UTAH

291 City/Town	County	Ground Snow Load (lb/ft ²)	Elevation (ft)
292 Beaver	Beaver	35	5886
293 Brigham City	Box Elder	42	4423
294 Castle Dale	Emery	32	5669
295 Coalville	Summit	57	5581
296 Duchesne	Duchesne	39	5508
297 Farmington	Davis	35	4318
298 Fillmore	Millard	30	5138
299 Heber City	Wasatch	60	5604
300 Junction	Piute	27	6030
301 Kanab	Kane	25	4964
302 Loa	Wayne	37	7060
303 Logan	Cache	43	4531

304	Manila	Daggett	26	6368
305	Manti	Sanpete	37	5620
306	Moab	Grand	21	4029
307	Monticello	San Juan	67	7064
308	Morgan	Morgan	52	5062
309	Nephi	Juab	39	5131
310	Ogden	Weber	37	4334
311	Panguitch	Garfield	41	6630
312	Parowan	Iron	32	6007
313	Price	Carbon	31	5558
314	Provo	Utah	31	4541
315	Randolph	Rich	50	6286
316	Richfield	Sevier	27	5338
317	St. George	Washington	21	2585
318	Salt Lake City	Salt Lake	28	4239
319	Tooele	Tooele	35	5029
320	Vernal	Uintah	39	5384

Note: To convert lb/ft² to kN/m², 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.

321 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.

322 [(10)] (11) IRC, Section R301.6, is deleted and replaced with the following: "R301.6
 323 Utah Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the
 324 jurisdictions identified in that table. Otherwise, for other locations in Utah, see Bean, B.,

325 Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study," Utah State University Civil and
326 Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for
327 ground snow load values."

328 ~~[(11)]~~ (12) In IRC, Section R302.2, the following sentence is added after the second
329 sentence: "When an access/maintenance agreement or easement is in place, plumbing,
330 mechanical ducting, schedule 40 steel gas pipe, and electric service conductors including
331 feeders, are permitted to penetrate the common wall at grade, above grade, or below grade."

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

336 ~~[(12)]~~ (14) In IRC, Section R302.5.1, the words "self-closing device" are deleted and
337 replaced with "self-latching hardware."

338 ~~[(13)]~~ (15) IRC, Section R302.13, is deleted.

339 ~~[(14)]~~ (16) In IRC, Section R303.4, the number "5" is changed to "3" in the first
340 sentence.

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

343 ~~[(15)]~~ (18) IRC, Sections R311.7.4 through R311.7.5.3, are deleted and replaced with
344 the following: "R311.7.4 Stair treads and risers. R311.7.5.1 Riser height. The maximum riser
345 height shall be 8 inches (203 mm). The riser shall be measured vertically between leading
346 edges of the adjacent treads. The greatest riser height within any flight of stairs shall not
347 exceed the smallest by more than 3/8 inch (9.5 mm).

348 R311.7.5.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread
349 depth shall be measured horizontally between the vertical planes of the foremost projection of
350 adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within
351 any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder
352 treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point
353 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a
354 minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the
355 greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by

356 more than 3/8 inch (9.5 mm).

357 R311.7.5.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater
358 than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4
359 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection
360 shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two
361 stories, including the nosing at the level of floors and landings. Beveling of nosing shall not
362 exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading
363 edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open
364 risers are permitted, provided that the opening between treads does not permit the passage of a
365 4-inch diameter (102 mm) sphere.

366 Exceptions.

- 367 1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).
368 2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches
369 (762 mm) or less."

370 [~~(16)~~] (19) IRC, Section R312.2, is deleted.

371 [~~(17)~~] (20) IRC, Sections R313.1 through R313.2.1, are deleted and replaced with the
372 following: "R313.1 Design and installation. When installed, automatic residential fire
373 sprinkler systems for townhouses or one- and two-family dwellings shall be designed and
374 installed in accordance with Section P2904 or NFPA 13D."

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

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

379 [~~(18)~~] (23) In IRC, Section 315.3, the following words are added to the first sentence
380 after the word "installed": "on each level of the dwelling unit and."

381 [~~(19)~~] (24) In IRC, Section R315.5, a new exception, 3, is added as follows:

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

386 [~~(20)~~] (25) A new IRC, Section R315.7, is added as follows: " R315.7 Interconnection.

387 Where more than one carbon monoxide alarm is required to be installed within an individual
388 dwelling unit in accordance with Section R315.1, the alarm devices shall be interconnected in
389 such a manner that the actuation of one alarm will activate all of the alarms in the individual
390 unit. Physical interconnection of smoke alarms shall not be required where listed wireless
391 alarms are installed and all alarms sound upon activation of one alarm.

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

396 [~~(21)~~] (26) In IRC, Section R317.1.5, the period is deleted and the following language
397 is added to the end of the paragraph: "or treated with a moisture resistant coating."

398 [~~(22)~~] (27) In IRC, Section 326.1, the words "residential provisions of the" are added
399 after the words "pools and spas shall comply with".

400 [~~(23)~~] (28) In IRC, Section R403.1.6, a new Exception 3 is added as follows: "3.
401 When anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be
402 placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm)
403 from each end of each plate section at interior bearing walls, interior braced wall lines, and at
404 all exterior walls."

405 [~~(24)~~] (29) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2
406 and Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816
407 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located
408 not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls,
409 interior braced wall lines, and at all exterior walls."

410 [~~(25)~~] (30) In IRC, Section R404.1, a new exception is added as follows: "Exception:
411 As an alternative to complying with Sections R404.1 through R404.1.5.3, concrete and
412 masonry foundation walls may be designed in accordance with IBC Sections 1807.1.5 and
413 1807.1.6 as amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

414 [~~(26)~~] (31) In IRC, Section R405.1, a new exception is added as follows: "Exception:
415 When a geotechnical report has been provided for the property, a drainage system is not
416 required unless the drainage system is required as a condition of the geotechnical report. The
417 geological report shall make a recommendation regarding a drainage system."

418 Section 6. Section 15A-3-204 is amended to read:

419 **15A-3-204. Amendments to Chapters 16 through 25 of IRC.**

420 (1) In IRC, Section M1602.2, a new exception is added at the end of Item 6 as follows:

421 "Exception: The discharge of return air from an accessory dwelling unit into another dwelling
422 unit, or into an accessory dwelling unit from another dwelling unit, is not prohibited."

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

428 Section 7. Section 15A-3-206 is amended to read:

429 **15A-3-206. Amendments to Chapters 36 through 44 and Appendix F of IRC.**

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

433 [~~(1)~~] (2) In IRC, Section E3705.4.5, the following words are added after the word
434 "assemblies": "with ungrounded conductors 10 AWG and smaller".

435 [~~(2)~~] (3) In IRC, Section E3901.9, the following exception is added:
436 "Exception: Receptacles or other outlets adjacent to the exterior walls of the garage, outlets
437 adjacent to an exterior wall of the garage, or outlets in a storage room with entry from the
438 garage may be connected to the garage branch circuit."

439 [~~(3)~~] (4) IRC, Section E3902.16 is deleted.

440 [~~(4)~~] (5) In Section E3902.17:

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

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

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

446 [~~(5)~~] (6) IRC, Chapter 44, is amended by adding the following reference standard:

447 "Standard reference number	Title	Referenced in code section number
--------------------------------	-------	-----------------------------------

<p>448 USC-FCCCHR 10th Edition Manual of Cross Connection Control</p>	<p>Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531</p>	<p>Table P2902.3"</p>
---	---	-----------------------

449 ~~[(6)]~~ (7) (a) When passive radon controls or portions thereof are voluntarily installed,
450 the voluntary installation shall comply with Appendix F of the IRC.

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

453 Section 8. Section **17-27a-505.5** is amended to read:

454 **17-27a-505.5. Limit on single family designation.**

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

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

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

460 (i) a state university;

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

462 (iii) a mountainous planning district; or

463 (b) four, for each other county.

464 Section 9. Section **17-27a-510.5** is amended to read:

465 **17-27a-510.5. Changes to dwellings -- Egress windows.**

466 (1) ~~[For purposes of]~~ As used in this section, "rental":

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

468 (i) within a primary dwelling;

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

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

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

473 (i) is detached; and

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

475 (c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

476 (2) A county ordinance adopted under Section 10-1-203.5 may not:
477 (a) require physical changes in a structure with a legal nonconforming rental dwelling
478 use unless the change is for:
479 (i) the reasonable installation of:
480 (A) a smoke detector that is plugged in or battery operated;
481 (B) a ground fault circuit interrupter protected outlet on existing wiring;
482 (C) street addressing;
483 (D) except as provided in Subsection (3), an egress bedroom window if the existing
484 bedroom window is smaller than that required by current State Construction Code;
485 (E) an electrical system or a plumbing system, if the existing system is not functioning
486 or is unsafe as determined by an independent electrical or plumbing professional who is
487 licensed in accordance with Title 58, Occupations and Professions;
488 (F) hand or guard rails; or
489 (G) occupancy separation doors as required by the International Residential Code; or
490 (ii) the abatement of a structure; or
491 (b) be enforced to terminate a legal nonconforming rental dwelling use.
492 (3) (a) A county may not require physical changes to install an egress or emergency
493 escape window in an existing bedroom that complied with the State Construction Code in
494 effect at the time the bedroom was finished if:
495 ~~[(a)]~~ (i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:
496 ~~[(i)]~~ (A) a detached one-, two-, three-, or four-family dwelling; or
497 ~~[(ii)]~~ (B) a town home that is not more than three stories above grade with a separate
498 means of egress; and
499 ~~[(b)]~~ ~~[(i)]~~ (ii) (A) the window in the existing bedroom is smaller than that required by
500 current State Construction Code; and
501 ~~[(ii)]~~ (B) the change would compromise the structural integrity of the structure or could
502 not be completed in accordance with current State Construction Code, including set-back and
503 window well requirements.
504 (b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.
505 (4) Nothing in this section prohibits a county from:
506 (a) regulating the style of window that is required or allowed in a bedroom;

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

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

511 Section 10. Section **17-27a-526** is enacted to read:

512 **17-27a-526. Internal accessory dwelling units.**

513 (1) As used in this section:

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

515 (i) within a primary dwelling;

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

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

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

520 (i) is detached; and

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

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

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

524 (b) except as provided in Subsection (4), a county may not establish any restrictions or
525 requirements for the construction or use of one internal accessory dwelling unit within a
526 primary dwelling, including a restriction or requirement governing:

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

528 (ii) total lot size; or

529 (iii) street frontage.

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

532 (4) A county may:

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

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

537 (c) require a primary dwelling;

- 538 (i) to include one additional on-site parking space for an internal accessory dwelling
539 unit, regardless of whether the primary dwelling is existing or new construction; and
- 540 (ii) to replace any parking spaces contained within a garage or carport if an internal
541 accessory dwelling unit is created within the garage or carport;
- 542 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
543 defined in Section 57-16-3;
- 544 (e) require the owner of a primary dwelling to obtain a permit or license for renting an
545 internal accessory dwelling unit;
- 546 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district
547 covering an area that is equivalent to:
- 548 (i) 25% or less of the total unincorporated area in the municipality that is zoned
549 primarily for residential use; or
- 550 (ii) 67% or less of the total unincorporated area in the county that is zoned primarily
551 for residential use, if the main campus of a state or private university with a student population
552 of 10,000 or more is located within the unincorporated area of the county;
- 553 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling
554 is served by a failing septic tank;
- 555 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
556 primary dwelling is 6,000 square feet or less in size;
- 557 (i) prohibit the rental of an internal accessory dwelling unit for a period of less than 30
558 consecutive days;
- 559 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory
560 dwelling unit is located in a dwelling that is not occupied as the owner's primary residence; and
- 561 (k) hold a lien against a property that contains an internal accessory dwelling unit in
562 accordance with Subsection (5).
- 563 (5) (a) In addition to any other legal or equitable remedies available to a county, a
564 county may hold a lien against a property that contains an internal accessory dwelling unit if:
- 565 (i) the owner of the property violates any of the provisions of this section or any
566 ordinance adopted under Subsection (4);
- 567 (ii) the county provides a written notice of violation in accordance with Subsection
568 (5)(b);

569 (iii) the owner fails to cure the violation within the time period prescribed in the
570 written notice of violation under Subsection (5)(b);

571 (iv) the county provides a written notice of lien in accordance with Subsection (5)(c);
572 and

573 (v) the county records a copy of the written notice of lien described in Subsection
574 (5)(a)(iv) with the county recorder of the county in which the property is located.

575 (b) The written notice of violation shall:

576 (i) describe the specific violation;

577 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
578 to cure the violation that is:

579 (A) no less than 14 days after the day on which the county sends the written notice of
580 violation, if the violation results from the owner renting the internal accessory dwelling unit for
581 a period of less than 30 consecutive days; or

582 (B) no less than 30 days after the day on which the county sends the written notice of
583 violation, for any other violation; and

584 (iii) state that if the owner of the property fails to cure the violation within the time
585 period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an
586 amount of up to \$100 for each day of violation after the day on which the opportunity to cure
587 the violation expires;

588 (iv) be mailed to:

589 (A) the property's owner of record; and

590 (B) any other individual designated to receive notice in the owner's license or permit
591 records; and

592 (v) be posted on the property.

593 (c) The written notice of lien shall:

594 (i) comply with the requirements of Section [38-12-102](#);

595 (ii) describe the specific violation;

596 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
597 the day on which the opportunity to cure the violation expires;

598 (iv) be mailed to:

599 (A) the property's owner of record; and

600 (B) any other individual designated to receive notice in the owner's license or permit
601 records; and

602 (v) be posted on the property.

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

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

608 **17-50-338. Ordinances regarding short-term rentals -- Prohibition on ordinances**
609 **restricting speech on short-term rental websites.**

610 (1) As used in this section:

611 (a) "Internal accessory dwelling unit" means the same as that term is defined in Section
612 10-9a-511.5.

613 ~~(a)~~ (b) "Residential unit" means a residential structure or any portion of a residential
614 structure that is occupied as a residence.

615 ~~(b)~~ (c) "Short-term rental" means a residential unit or any portion of a residential unit
616 that the owner of record or the lessee of the residential unit offers for occupancy for fewer than
617 30 consecutive days.

618 ~~(c)~~ (d) "Short-term rental website" means a website that:

619 (i) allows a person to offer a short-term rental to one or more prospective renters; and

620 (ii) facilitates the renting of, and payment for, a short-term rental.

621 (2) Notwithstanding Section 17-27a-501 or Subsection 17-27a-503(1), a legislative
622 body may not:

623 (a) enact or enforce an ordinance that prohibits an individual from listing or offering a
624 short-term rental on a short-term rental website; or

625 (b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge,
626 prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term
627 rental on a short-term rental website.

628 (3) Subsection (2) does not apply to an individual who:

629 (a) obtains or is required to obtain a permit or license from the county to rent an
630 internal accessory dwelling unit; and

631 (b) lists or offers the unit described in Subsection (3)(a) as a short-term rental on a
632 short-term rental website.

633 Section 12. Section **35A-8-504.5** is enacted to read:

634 **35A-8-504.5. Low-income ADU loan guarantee pilot program.**

635 (1) As used in this section:

636 (a) "Accessory dwelling unit" means the same as that term is defined in Section
637 10-9a-103.

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

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

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

644 (i) located on the borrower's residential property; and

645 (ii) rented to a low-income individual.

646 (e) "Low-income individual" means an individual whose household income is less than
647 80% of the area median income.

648 (f) "Pilot program" means the two-year pilot program created in this section.

649 (2) The executive director shall establish a two-year pilot program to provide loan
650 guarantees on behalf of borrowers for the purpose of insuring the repayment of low-income
651 ADU loans.

652 (3) The executive director may not provide a loan guarantee for a low-income ADU
653 loan under the pilot program unless:

654 (a) the lender:

655 (i) agrees in writing to participate in the pilot program;

656 (ii) makes available to prospective borrowers the option of receiving a low-income
657 ADU loan that:

658 (A) has a term of 15 years; and

659 (B) charges interest at a fixed rate;

660 (iii) monitors the activities of the borrower on a yearly basis during the term of the loan
661 to ensure the borrower's compliance with:

662 (A) Subsection (3)(c); and
663 (B) any other term or condition of the loan; and
664 (iv) promptly notifies the executive director in writing if the borrower fails to comply

665 with:

666 (A) Subsection (3)(c); or
667 (B) any other term or condition of the loan;
668 (b) the loan terms of the low-income ADU loan:
669 (i) are consistent with the loan terms described in Subsection (3)(a)(ii); or
670 (ii) if different from the loan terms described in Subsection (3)(a)(ii), are mutually
671 agreed upon by the lender and the borrower; and

672 (c) the borrower:
673 (i) agrees in writing to participate in the pilot program;
674 (ii) constructs an accessory dwelling unit on the borrower's residential property within
675 one year after the day on which the borrower receives the loan;

676 (iii) occupies the primary residence to which the accessory dwelling unit is associated:

677 (A) after the accessory dwelling unit is completed; and

678 (B) for the remainder of the term of the loan; and

679 (iv) rents the accessory dwelling unit to a low-income individual:

680 (A) after the accessory dwelling unit is completed; and

681 (B) for the remainder of the term of the loan.

682 (4) At the direction of the board, the executive director shall make rules in accordance
683 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

684 (a) the minimum criteria for lenders and borrowers to participate in the pilot program;

685 (b) the terms and conditions for loan guarantees provided under the pilot program,

686 consistent with Subsection (3); and

687 (c) procedures for the pilot program's loan guarantee process.

688 (5) The executive director shall submit a report on the pilot program to the Business

689 and Labor Interim Committee on or before November 30, 2023.

690 Section 13. Section **35A-8-505** is amended to read:

691 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**
692 **director.**

693 At the direction of the board, the executive director may:

694 (1) provide fund money to any of the following activities:

695 (a) the acquisition, rehabilitation, or new construction of low-income housing units;

696 (b) matching funds for social services projects directly related to providing housing for

697 special-need renters in assisted projects;

698 (c) the development and construction of accessible housing designed for low-income

699 persons;

700 (d) the construction or improvement of a shelter or transitional housing facility that

701 provides services intended to prevent or minimize homelessness among members of a specific

702 homeless subpopulation;

703 (e) the purchase of an existing facility to provide temporary or transitional housing for

704 the homeless in an area that does not require rezoning before providing such temporary or

705 transitional housing;

706 (f) the purchase of land that will be used as the site of low-income housing units;

707 (g) the preservation of existing affordable housing units for low-income persons; ~~and~~

708 (h) providing loan guarantees under the two-year pilot program established in Section

709 35A-8-504.5; and

710 ~~(h)~~ (i) other activities that will assist in minimizing homelessness or improving the

711 availability or quality of housing in the state for low-income persons; and

712 (2) do any act necessary or convenient to the exercise of the powers granted by this part

713 or reasonably implied from those granted powers, including:

714 (a) making or executing contracts and other instruments necessary or convenient for

715 the performance of the executive director and board's duties and the exercise of the executive

716 director and board's powers and functions under this part, including contracts or agreements for

717 the servicing and originating of mortgage loans;

718 (b) procuring insurance against a loss in connection with property or other assets held

719 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

720 (c) entering into agreements with a department, agency, or instrumentality of the

721 United States or this state and with mortgagors and mortgage lenders for the purpose of

722 planning and regulating and providing for the financing and refinancing, purchase,

723 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,

724 or other disposition of residential housing undertaken with the assistance of the department
725 under this part;

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

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

734 Section 14. Section **57-8a-209** is amended to read:

735 **57-8a-209. Rental restrictions.**

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

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

738 (ii) prohibit rentals in the association.

739 (b) An association that creates a rental restriction or prohibition in accordance with
740 Subsection (1)(a) shall create the rental restriction or prohibition in a recorded declaration of
741 covenants, conditions, and restrictions, or by amending the recorded declaration of covenants,
742 conditions, and restrictions.

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

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

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

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

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

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

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

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

754 (v) a lot owned by a trust or other entity created for estate planning purposes if the trust

755 or other estate planning entity was created for:

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

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

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

761 (i) the lot owner occupies the lot;

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

765 (iii) the lot is transferred; and

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

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

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

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

772 (a) the conveyance, sale, or other transfer of a lot by deed;

773 (b) the granting of a life estate in the lot; or

774 (c) if the lot is owned by a limited liability company, corporation, partnership, or other
775 business entity, the sale or transfer of more than 75% of the business entity's share, stock,
776 membership interests, or partnership interests in a 12-month period.

777 (4) This section does not limit or affect residency age requirements for an association
778 that complies with the requirements of the Housing for Older Persons Act, 42 U.S.C. Sec.
779 3607.

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

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

785 (i) an association that contains a time period unit as defined in Section [57-8-3](#);

786 (ii) any other form of timeshare interest as defined in Section 57-19-2; or
787 (iii) subject to Subsection (6)(b), an association that is formed before May 12, 2009,
788 unless, on or after May 12, 2015, the association:

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

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

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

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

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

- 803 (a) obtain the association's approval of a prospective renter;
- 804 (b) give the association:
 - 805 (i) a copy of a rental application;
 - 806 (ii) a copy of a renter's or prospective renter's credit information or credit report;
 - 807 (iii) a copy of a renter's or prospective renter's background check; or
 - 808 (iv) documentation to verify the renter's age; or
- 809 (c) pay an additional assessment, fine, or fee because the lot is a rental lot.

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

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

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

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

822 (10) Notwithstanding Subsection (1)(a), an association may not restrict or prohibit the
823 rental of an internal accessory dwelling unit, as defined in Section 10-9a-530, constructed
824 within a lot owner's residential lot, if the internal accessory dwelling unit complies with all
825 applicable:

826 (a) land use ordinances;

827 (b) building codes;

828 (c) health codes; and

829 (d) fire codes.

830 [~~(10)~~] (11) The provisions of Subsections (8) [~~and (9)~~] through (10) apply to an
831 association regardless of when the association is created.

832 Section 15. Section **57-8a-218** is amended to read:

833 **57-8a-218. Equal treatment by rules required -- Limits on association rules and**
834 **design criteria.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

866 (b) Notwithstanding Subsection (4)(a):

867 (i) a rule may regulate the time, place, and manner of posting a political sign; and

868 (ii) an association design provision may establish design criteria for political signs.

869 (5) (a) A rule may not interfere with the freedom of a lot owner to determine the
870 composition of the lot owner's household.

871 (b) Notwithstanding Subsection (5)(a), an association may:

872 (i) require that all occupants of a dwelling be members of a single housekeeping unit;

873 or

874 (ii) limit the total number of occupants permitted in each residential dwelling on the
875 basis of the residential dwelling's:

876 (A) size and facilities; and

877 (B) fair use of the common areas.

878 (6) (a) A rule may not interfere with an activity of a lot owner within the confines of a

879 dwelling or lot, to the extent that the activity is in compliance with local laws and ordinances.

880 (b) Notwithstanding Subsection (6)(a), a rule may prohibit an activity within a dwelling
881 on an owner's lot if the activity:

882 (i) is not normally associated with a project restricted to residential use; or

883 (ii) (A) creates monetary costs for the association or other lot owners;

884 (B) creates a danger to the health or safety of occupants of other lots;

885 (C) generates excessive noise or traffic;

886 (D) creates unsightly conditions visible from outside the dwelling;

887 (E) creates an unreasonable source of annoyance to persons outside the lot; or

888 (F) if there are attached dwellings, creates the potential for smoke to enter another lot
889 owner's dwelling, the common areas, or limited common areas.

890 (c) If permitted by law, an association may adopt rules described in Subsection (6)(b)
891 that affect the use of or behavior inside the dwelling.

892 (7) (a) A rule may not, to the detriment of a lot owner and over the lot owner's written
893 objection to the board, alter the allocation of financial burdens among the various lots.

894 (b) Notwithstanding Subsection (7)(a), an association may:

895 (i) change the common areas available to a lot owner;

896 (ii) adopt generally applicable rules for the use of common areas; or

897 (iii) deny use privileges to a lot owner who:

898 (A) is delinquent in paying assessments;

899 (B) abuses the common areas; or

900 (C) violates the governing documents.

901 (c) This Subsection (7) does not permit a rule that:

902 (i) alters the method of levying assessments; or

903 (ii) increases the amount of assessments as provided in the declaration.

904 (8) (a) Subject to Subsection (8)(b), a rule may not:

905 (i) prohibit the transfer of a lot; or

906 (ii) require the consent of the association or board to transfer a lot.

907 (b) Unless contrary to a declaration, a rule may require a minimum lease term.

908 (9) (a) A rule may not require a lot owner to dispose of personal property that was in or
909 on a lot before the adoption of the rule or design criteria if the personal property was in

910 compliance with all rules and other governing documents previously in force.

911 (b) The exemption in Subsection (9)(a):

912 (i) applies during the period of the lot owner's ownership of the lot; and

913 (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption of

914 the rule described in Subsection (9)(a).

915 (10) A rule or action by the association or action by the board may not unreasonably

916 impede a declarant's ability to satisfy existing development financing for community

917 improvements and right to develop:

918 (a) the project; or

919 (b) other properties in the vicinity of the project.

920 (11) A rule or association or board action may not interfere with:

921 (a) the use or operation of an amenity that the association does not own or control; or

922 (b) the exercise of a right associated with an easement.

923 (12) A rule may not divest a lot owner of the right to proceed in accordance with a

924 completed application for design review, or to proceed in accordance with another approval

925 process, under the terms of the governing documents in existence at the time the completed

926 application was submitted by the owner for review.

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

928 (a) regulate the use, maintenance, repair, replacement, and modification of common

929 areas;

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

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

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

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

934 (d) provide for the indemnification of the association's officers and board consistent

935 with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

936 (14) (a) Except as provided in Subsection (14)(b), a rule may not prohibit the owner of

937 a residential lot from constructing an internal accessory dwelling unit, as defined in Section

938 10-9a-530, within the owner's residential lot.

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

940 (i) a local land use ordinance;

941 (ii) a building code;

942 (iii) a health code; or

943 (iv) a fire code.

944 [~~(14)~~] (15) A rule shall be reasonable.

945 [~~(15)~~] (16) A declaration, or an amendment to a declaration, may vary any of the
946 requirements of Subsections (1) through (13), except Subsection (1)(b)(ii).

947 [~~(16)~~] (17) A rule may not be inconsistent with a provision of the association's
948 declaration, bylaws, or articles of incorporation.

949 [~~(17)~~] (18) This section applies to an association regardless of when the association is
950 created.

951 Section 16. Section **57-8a-218** is amended to read:

952 **57-8a-218. Effective date.**

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

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

955 (a) Section [10-9a-530](#);

956 (b) Section [17-27a-526](#);

957 (c) Section [57-8a-209](#); and

958 (d) Section [57-8a-218](#).