

HOME OWNERSHIP REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill prohibits certain municipal and county land use regulations.

Highlighted Provisions:

This bill:

▶ defines terms;

▶ prohibits a county or municipal legislative body from ~~§~~ **[enacting]** adopting ~~§~~ or enforcing a land

use regulation that regulates co-owned homes differently from other residential units; and

▶ prohibits a county or municipal legislative body from using a land use regulation regarding co-owned homes to punish individuals for owning or using a co-owned home.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-8-85.10, Utah Code Annotated 1953

17-50-340, Utah Code Annotated 1953

S.B. 271



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

29 Section 1. Section **10-8-85.10** is enacted to read:

30 **10-8-85.10. Ordinances regarding co-ownership -- Prohibition on municipal**
31 **ordinances restricting co-ownership models.**

32 (1) As used in this section:

33 (a) "Co-owned home" means any residential unit that is jointly owned, in any manner
34 or form, by any combination of individuals or entities.

35 (b) "Residential unit" means the same as that term is defined in Section [10-8-85.4](#).

36 (2) Notwithstanding Section [10-9a-501](#) and Subsection [10-9a-503\(1\)](#), a municipal
37 legislative body may not:

38 (a) §→ [enact] adopt ←§ or enforce a land use regulation that regulates co-owned homes
38a differently
39 than other residential units; or

40 (b) use a land use regulation governing co-owned homes to fine, charge, prosecute, or
41 otherwise punish an individual solely for the act of owning or using a co-owned home.

42 (3) Notwithstanding Subsection (2), a legislative body may adopt and enforce land use
43 regulations, if the regulations are applied equally to all residential units, including co-owned
44 homes.

45 (4) This section does not limit private individuals or associations from adopting rules
46 or regulations governing co-owned homes.

46a **§→ (5) Nothing in this section limits a municipality's authority to adopt or enforce regulations**
46b **regarding:**

46c **(a) accessory dwelling units, as defined in Section [10-9a-103](#);**

46d **(b) internal accessory dwelling units, as defined in Section [10-9a-511.5](#); or**

46e **(c) the rental of a residential unit for fewer than 30 days consistent with Section**
46f **[10-8-85.4](#). ←§**

47 Section 2. Section **17-50-340** is enacted to read:

48 **17-50-340. Ordinances regarding co-ownership -- Prohibition on county**
49 **ordinances restricting co-ownership models.**

50 (1) As used in this section:

51 (a) "Co-owned home" means any residential unit that is jointly owned, in any manner
52 or form, by any combination of individuals or entities.

53 (b) "Residential unit" means the same as that term is defined in Section [17-50-338](#).

54 (2) Notwithstanding Section [17-27a-501](#) or Subsection [17-27a-503\(1\)](#), a county

55 legislative body may not:

56 (a) ~~§~~ → ~~[enact]~~ **adopt** ← ~~§~~ or enforce a land use regulation that governs co-owned homes

56a differently than

57 other residential units; or

58 (b) use a land use regulation that regulates co-owned homes to fine, charge, prosecute,

59 or otherwise punish an individual solely for the act of owning or using a co-owned home.

60 (3) Notwithstanding Subsection (2), a legislative body may adopt and enforce land use
61 regulations, if the regulations are applied equally to all residential units, including co-owned
62 homes.

63 (4) This section does not limit homeowners' associations or condominium associations
64 from adopting rules or regulations governing co-owned homes.

64a **Ŝ→ (5) Nothing in this section limits a county's authority to adopt or enforce regulations**
64b **regarding:**

64c **(a) accessory dwelling units, as defined in Section 17-27a-103;**

64d **(b) internal accessory dwelling units, as defined in Section 17-27a-510.5; or**

64e **(c) the rental of a residential unit for fewer than 30 days consistent with Section**

64f **17-50-338.** ←Ŝ