

## **H 7062 Sub A (ADU Bill)**

- An ADU that meets the requirements (45-24-31 and 45-24-73) shall be a permitted use in all residential zoning districts.
- An ADU that meets the requirements (45-24-31 and 45-24-73) shall be permitted through an administrative building permit process only

### **45-24-31. Definitions. [Effective January 1, 2024.]**

Accessory dwelling unit (ADU). A residential living unit on the same lot where the principal use is a legally established single-family dwelling unit or multi family dwelling unit. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.

### **45-24-73 - Design standards required for accessory dwelling units; Consistent statewide treatment of accessory dwelling units required.**

One accessory dwelling unit (ADU) per lot shall be allowed by right under the following circumstances:

- (1) On an owner-occupied property as a reasonable accommodation for family members with disabilities; or
- (2) On a lot with a total lot area of twenty thousand square feet (20,000 sq. ft.) or more for which the primary use is residential; or
- (3) Where the proposed ADU is located within the existing footprint of the primary structure or existing accessory attached or detached structure and does not expand the footprint of the structure

### **Uniform Standards**

(1) A municipality may establish a maximum unit size for an ADU but such limitation must allow, subject to applicable dimensional requirements:

- (i) A studio or one bedroom ADU of at least nine hundred square feet (900 sq. ft.), or sixty percent (60%) of the floor area of the principal dwelling, whichever is less; and
- (ii) A two (2) bedroom ADU of at least twelve hundred square feet (1,200 sq. ft.), or sixty percent (60%) of the floor area of the principal dwelling, whichever is less.

**(2)** For all ADU applications, a municipality shall not:

- (i) Restrict tenants based on familial relationships or age unless such restriction is necessary to comply with the terms of the federal subsidy related to affordability;
- (ii) Charge application or permitting fees for the creation of an ADU that exceed those that would be charged for a new single family dwelling;
- (iii) Require infrastructure improvements in connection with the ADU, including, but not limited to, separate water or sewer service lines or expanded septic system capacity; unless such improvements and/or modifications are required by an applicable state agency for compliance under state law or regulation, or to comply with building code requirements, or to address capacity or upgrades necessary to accommodate the ADU;
- (iv) Discriminate against populations protected under state and federal fair housing laws;
- (v) Impose dimensional requirements or other development standards on ADUs that in any instance exceed the requirements for an accessory structure in the same zoning district;
- (vi) Require additional lot area, lot frontage or lot width for conforming lots or legal nonconforming lots of record solely to accommodate an ADU;
- (vii) Require zoning relief for ADU applications proposed within an existing footprint of the primary or accessory structure which is a legal nonconforming structure in order to address the existing dimensional nonconformity;
- (viii) Require more than one off-street parking per bedroom of the ADU;
- (ix) Limit ADUs to lots with preexisting dwellings, or otherwise prohibit ADUs as part of applications for new primary dwelling units or subdivisions;
- (x) Prohibit an ADU that otherwise complies with this chapter and applicable dimensional regulations from having up to two (2) bedrooms;
- (xi) Require an ADU to be exclusively occupied by a household that is low-or moderate<sup>33</sup> income or less as defined by § 42-128-8.1, unless such ADU is part of an inclusionary zoning or comprehensive permit application; or
- (xii) Revoke the permitted status or otherwise require the disassembly of a legally established ADU upon transfer of title or occupancy.

**(3)** An application for an ADU which is not allowed by right under this section, shall not, by itself, be reviewed as a minor land development or major land development project.

**(4)** A municipality shall allow ADUs as part of applications for new primary dwelling units or subdivisions. For proposed ADUs that are part of a larger development proposal, a municipality shall not count such ADUs toward density of the proposal for purposes of limiting the number of dwelling units allowed in such development proposal.

(i) Municipalities may utilize a unified development review process for any application that includes ADUs, regardless of whether a city or town has opted into the current unified development review statute.

**(5)** As part of the approval process, municipalities may exempt ADUs from all or part of utility assessment and/or tie in fees.

**(6)** ADUs shall not be offered or rented for tourist or transient use or through a hosting platform, as such terms are defined in § 42-63.1-2.