

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Accessory residential units-permits.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to cities, towns and counties; providing
2 legislative findings; authorizing automatic building
3 permits for accessory residential units as specified;
4 providing definitions; making conforming amendments;
5 specifying applicability; and providing for an effective
6 date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.**

11

12 (a) The legislature finds:

13

1 (i) There is a statewide housing crisis in
2 Wyoming including a housing shortage for affordable and
3 available housing. The increased cost of building materials
4 has contributed to this housing crisis;

5
6 (ii) In 2023, there were two hundred thirty
7 thousand six hundred fifty-three (230,653) total households
8 with sixty-five thousand two hundred ninety-four (65,294)
9 of households renting in Wyoming. Approximately twenty-five
10 percent (25%) of the households renting in Wyoming had
11 incomes at or below thirty percent (30%) of the area median
12 household income. Wyoming's area median household income in
13 2023 was approximately ninety-six thousand two hundred
14 dollars (\$96,200.00);

15
16 (iii) In 2023, the average rental rate for a one
17 bedroom apartment in Wyoming was seven hundred fifty-one
18 dollars (\$751.00) and the average rental rate for a two
19 bedroom apartment was nine hundred thirty-three dollars
20 (\$933.00). To afford a one bedroom apartment in Wyoming
21 without paying more than thirty percent (30%) of gross
22 income on housing, a household must earn thirty thousand
23 fifty-six dollars (\$30,056.00) per year. To afford a two

1 bedroom apartment in Wyoming without paying more than
2 thirty percent (30%) of gross income on housing, a
3 household must earn thirty-seven thousand three hundred
4 eighteen dollars (\$37,318.00) per year;

5
6 (iv) Households spending more than thirty percent
7 (30%) of their income on housing costs are considered cost
8 burdened while households spending more than fifty percent
9 (50%) are considered severely cost burdened. In 2023,
10 eighty percent (80%) of households renting in Wyoming whose
11 incomes are at or below thirty percent (30%) of the area
12 median household income were cost burdened and sixty-four
13 percent (64%) were severely cost burdened;

14
15 (v) In 2023, there was a shortage of ten
16 thousand two hundred fifteen (10,215) affordable and
17 available rental units for households whose incomes are at
18 or below thirty percent (30%) of the area median household
19 income in Wyoming;

20
21 (vi) In 2021, the median value of owner occupied
22 housing units was two hundred thirty-seven thousand nine
23 hundred dollars (\$237,900.00) in Wyoming and the median

1 monthly owner costs for a person with a mortgage in 2021
2 was one thousand five hundred thirty-six dollars
3 (\$1,536.00);

4

5 (vii) In 2022, there were three thousand four
6 (3,004) building permits authorized for housing units in
7 Wyoming;

8

9 (vii) Since 2020, the price of residential
10 building materials has increased thirty-six percent (36%).
11 The average cost to build a single-family dwelling in 2023
12 in Wyoming is approximately one hundred fifty dollars
13 (\$150.00) per square foot.

14

15 *****
16 *****
17 STAFF COMMENT
18 Generally, findings are not included in bills. The Task
19 Force may wish to consider whether the findings are
20 necessary to include in this bill draft.
21 *****
22 *****
23

24 Section 2. W.S. 15-1-612 and 18-5-209 are created to
25 read:

26

27 15-1-612. Accessory residential units; permits.

1

2 (a) As used in this section, "accessory residential
3 unit" means a residential living unit that is attached,
4 detached or internal to a single-family dwelling on the
5 same lot or parcel of land as the single-family dwelling.

6

7 *****
8 *****

9 STAFF COMMENT

10 The Task Force may wish to consider adding a definition of
11 "single-family dwelling." Montana defines "single-family
12 dwelling" as "a building with one or more rooms designed
13 for residential living purposes by one household that is
14 detached from any other dwelling unit."

15 *****
16 *****

17

18 (b) Each city and town shall issue a building permit
19 for an accessory residential unit, not later than ninety
20 (90) days after receiving a completed application and
21 payment of any required fees, if the following requirements
22 are satisfied:

23

24 (i) The lot size on which the accessory
25 residential unit will be located is not more than seven
26 thousand five hundred (7,500) square feet;

27

1 (c) No city or town issuing a building permit for an
2 accessory residential unit under subsection (b) of this
3 section shall:

4

5 (i) Require that a lot have additional parking
6 to accommodate an accessory residential unit or require
7 fees in lieu of additional parking;

8

9 (ii) Require that an accessory residential unit
10 match the exterior design, roof pitch or finishing
11 materials of the single-family dwelling;

12

13 (iii) Require that the accessory residential
14 unit be occupied by the owner of the single-family
15 dwelling;

16

17 (iv) Require a familial, marital or employment
18 relationship between the occupants of the single-family
19 dwelling and the occupants of the accessory residential
20 unit;

21

22 (v) Require improvements to public streets as a
23 condition of permitting an accessory residential unit

1 except as necessary to reconstruct or repair a public
2 street that is disturbed by the construction of the
3 accessory residential unit;

4

5 (vi) Set maximum building heights, minimum
6 setback requirements, minimum lot sizes, maximum lot
7 coverages or minimum building frontages for accessory
8 residential units that are more restrictive than those for
9 the single-family dwelling on the lot;

10

11 (vii) Require a restrictive covenant concerning
12 an accessory residential unit on a parcel zoned for
13 residential use by a single-family dwelling. This paragraph
14 shall not be construed to prohibit restrictive covenants
15 concerning accessory residential units entered into between
16 private parties. The city or town shall not condition a
17 permit, license or use of an accessory residential unit on
18 the adoption or implementation of a restrictive covenant
19 entered into between private parties.

20

21 *****
22 *****
23 STAFF COMMENT

1 Subsection (c) of this section is based on Montana 2023
2 Senate Bill 528. The Task Force may wish to consider
3 amending the restrictions imposed under subsection (c).

4
5 The Task Force may wish to consider that some of these
6 conditions may violate existing covenants within
7 subdivisions and may constitute an impairment of contract
8 or a regulatory taking.

9 *****
10 *****
11

12 (d) Notwithstanding W.S. 15-1-611, this section shall
13 be applicable and uniform throughout this state and shall
14 supersede any city or town ordinance or regulation to the
15 extent that any conflict exists.

16

17 **18-5-209. Accessory residential units; permits.**

18

19 (a) As used in this section, "accessory residential
20 unit" means a residential living unit that is attached,
21 detached or internal to a single-family dwelling on the
22 same lot or parcel of land as the single-family dwelling.

23

24 (b) Each county shall issue a building permit for an
25 accessory residential unit, not later than ninety (90) days
26 after receiving a completed application and payment of any
27 required fees, if the following requirements are satisfied:

28

1 (i) The lot size on which the accessory
2 residential unit will be located is not more than seven
3 thousand five hundred (7,500) square feet;

4

5 (ii) The building coverage on the lot before
6 construction of the accessory residential unit is not more
7 than forty-percent (40%); and

8

9 (iii) The accessory residential unit does not
10 exceed seventy-five percent (75%) of the gross floor area
11 of the single-family dwelling or one thousand (1,000)
12 square feet, whichever is less;

13

14 (iv) No open or obvious condition exists that
15 would disqualify the accessory residential unit from being
16 issued a building permit.

17

18 (c) No county issuing a building permit for an
19 accessory residential unit under subsection (b) of this
20 section shall:

21

1 (i) Require that a lot have additional parking
2 to accommodate an accessory residential unit or require
3 fees in lieu of additional parking;

4

5 (ii) Require that an accessory residential unit
6 match the exterior design, roof pitch or finishing
7 materials of the single-family dwelling;

8

9 (iii) Require that the accessory residential
10 unit be occupied by the owner of the single-family
11 dwelling;

12

13 (iv) Require a familial, marital or employment
14 relationship between the occupants of the single-family
15 dwelling and the occupants of the accessory residential
16 unit;

17

18 (v) Require improvements to public streets as a
19 condition of permitting an accessory residential unit
20 except as necessary to reconstruct or repair a public
21 street that is disturbed by the construction of the
22 accessory residential unit;

23

1 (vi) Set maximum building heights, minimum
2 setback requirements, minimum lot sizes, maximum lot
3 coverages or minimum building frontages for accessory
4 residential units that are more restrictive than those for
5 the single-family dwelling on the lot;

6
7 (vii) Require a restrictive covenant concerning
8 an accessory residential unit on a parcel zoned for
9 residential use by a single-family dwelling. This paragraph
10 shall not be construed to prohibit restrictive covenants
11 concerning accessory residential units entered into between
12 private parties. The county shall not condition a permit,
13 license or use of an accessory residential unit on the
14 adoption or implementation of a restrictive covenant
15 entered into between private parties.

16
17 (d) This section shall be applicable and uniform
18 throughout this state and shall supersede any county
19 ordinance or regulation to the extent that any conflict
20 exists.

21

22 **Section 3.** W.S. 15-1-611 is amended to read:

23

