HOUSE BILL NO.

Accessory residential units-permits.

Sponsored by: HDraft Committee

A BILL

for

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

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

Section 1.

(a) The legislature finds:
There is a statewide housing crisis in Wyoming including a housing shortage for affordable and available housing. The increased cost of building materials has contributed to this housing crisis;

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

In 2023, the average rental rate for a one bedroom apartment in Wyoming was seven hundred fifty-one dollars ($751.00) and the average rental rate for a two bedroom apartment was nine hundred thirty-three dollars ($933.00). To afford a one bedroom apartment in Wyoming without paying more than thirty percent (30%) of gross income on housing, a household must earn thirty thousand 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
monthly owner costs for a person with a mortgage in 2021 was one thousand five hundred thirty-six dollars ($1,536.00);

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

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

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

15-1-612. Accessory residential units; permits.
(a) As used in this section, "accessory residential unit" means a residential living unit that is attached, detached or internal to a single-family dwelling on the same lot or parcel of land as the single-family dwelling.

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

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

(i) The lot size on which the accessory residential unit will be located is not more than seven thousand five hundred (7,500) square feet;
(ii) The building coverage on the lot before construction of the accessory residential unit is not more than forty-percent (40%); and 

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

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

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STAFF COMMENT

The Task Force may wish to consider changing the lot size and accessory residential unit size requirements.

The Task Force may also wish to consider adding a provision that requires each city and town to review a demolition permit for a detached garage that is to be replaced with an accessory residential unit with the building permit application for the accessory residential unit and require the demolition permit to be issued at the same time.

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

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

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

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

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

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

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

(vii) Require a restrictive covenant concerning an accessory residential unit on a parcel zoned for residential use by a single-family dwelling. This paragraph shall not be construed to prohibit restrictive covenants concerning accessory residential units entered into between private parties. The city or town shall not condition a permit, license or use of an accessory residential unit on the adoption or implementation of a restrictive covenant entered into between private parties.
Subsection (c) of this section is based on Montana 2023 Senate Bill 528. The Task Force may wish to consider amending the restrictions imposed under subsection (c).

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

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

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

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

(b) Each county shall issue a building permit for an accessory residential unit, not later than ninety (90) days after receiving a completed application and payment of any required fees, if the following requirements are satisfied:
(i) The lot size on which the accessory residential unit will be located is not more than seven thousand five hundred (7,500) square feet;

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

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

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

(c) No county issuing a building permit for an accessory residential unit under subsection (b) of this section shall:
(i) Require that a lot have additional parking to accommodate an accessory residential unit or require fees in lieu of additional parking;

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

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

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

(v) Require improvements to public streets as a condition of permitting an accessory residential unit except as necessary to reconstruct or repair a public street that is disturbed by the construction of the accessory residential unit;
(vi) Set maximum building heights, minimum setback requirements, minimum lot sizes, maximum lot coverages or minimum building frontages for accessory residential units that are more restrictive than those for the single-family dwelling on the lot;

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

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

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

Except as otherwise provided in W.S. 15-1-612, if the regulations made under this article conflict with any statutes or local ordinances or other regulations, the statutes, ordinances or regulations imposing the higher standards govern.

Section 4. This act shall apply to all building permit applications for accessory residential units submitted on and after July 1, 2024.

Section 5. This act is effective July 1, 2024.

(END)