

1 SENATE BILL NO. 397

2 INTRODUCED BY G. HERTZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ACCESSORY
5 DWELLING UNITS; PROHIBITING CERTAIN REGULATIONS WITH RESPECT TO ACCESSORY DWELLING
6 UNITS; ALLOWING A LOCAL GOVERNMENT TO CHARGE A FEE TO LICENSE AN ACCESSORY
7 DWELLING UNIT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Accessory dwelling units -- license -- regulations -- restrictions.** (1)

12 A local government may require that an accessory dwelling unit be licensed. The one-time application fee for
13 the license may be up to \$250 for each accessory dwelling unit. A local government may also require
14 reasonable fees for building permits.

15 (2) (a) The license of the accessory dwelling unit must be issued on payment of the license fee.

16 (b) As part of the licensure, the local government may not require:

17 (i) changes to an existing structure; or

18 (ii) verification of a building license for an existing structure.

19 (3) A local government may not:

20 (a) adopt zoning regulations that prohibit a parcel with a single-family dwelling from having a licensed
21 accessory dwelling unit except as otherwise provided in this section;

22 (b) require that a parcel have additional parking to accommodate an accessory dwelling unit;

23 (c) require additional or more onerous building standards than the building standards applicable to a
24 single-family dwelling;

25 (d) require that an accessory dwelling unit maintain utilities separate from the single-family dwelling;

26 (e) require that the single-family dwelling or the accessory dwelling unit be occupied by the owner;

27 and

28 (f) require a restrictive covenant concerning an accessory dwelling unit on a parcel zoned for a

1 residential use by a single-family dwelling. This subsection (3)(f) may not be construed to prohibit restrictive
2 covenants concerning accessory dwelling units entered into between private parties, but the local government
3 may not condition a permit, license, or use on the adoption or implementation of a restrictive covenant such as
4 this.

5 (4) For the purposes of this section:

6 (a) "accessory dwelling unit" means a self-contained living unit subordinate to and on the same parcel
7 as a single-family dwelling that includes its own cooking, sleeping, and sanitation facilities and is created within
8 or detached from the single-family dwelling, including but not limited to an attached or detached garage; and

9 (b) "local government" means a city, town, county, or consolidated city-county.

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11 **NEW SECTION. Section 2. Accessory dwelling units -- prohibition.** A board of county
12 commissioners may not adopt a zoning regulation concerning accessory dwelling units in contravention of
13 [section 1].

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15 **NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an
16 integral part of Title 76, chapter 2, part 3, and the provisions of Title 76, chapter 2, part 3, apply to [section 1].

17 (2) [Section 2] is intended to be codified as an integral part of Title 76, chapter 2, part 2, and the
18 provisions of Title 76, chapter 2, part 2, apply to [section 2].

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20 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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