HOUSE JOINT RESOLUTION NO. 22


A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF ACCESSORY DWELLING UNITS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 69TH LEGISLATURE.

WHEREAS, an accessory dwelling unit is an often smaller, independent residential dwelling unit located on the same lot as an existing residence and may be detached, attached, or located on the interior of the existing structure; and

WHEREAS, accessory dwelling units have become more popular across the United States in areas experiencing high housing costs, such as Montana, since an accessory dwelling unit allows for additional, affordable housing stock and may alleviate housing shortages; and

WHEREAS, the addition of many accessory dwelling units in cities and counties raises possible concerns for infrastructure capacity, including adequate water, sewer, and storm water drainage facilities, whether the addition of multiple accessory dwelling units changes the nature of a neighborhood, and whether additional dedicated parking should be provided for lots with an accessory dwelling unit; and

WHEREAS, other restrictions to allowing more accessory dwelling units, such as covenant restrictions, homeowners' association bylaws, local fees, or other local ordinances or regulations, such as zoning regulations, may discourage the use of accessory dwelling units; and
WHEREAS, it is in the best interest of Montana’s citizens that the state encourage affordable housing, and accessory dwelling units offer a solution that may benefit the state after further study of the impacts, restrictions, and considerations related to allowing or promoting accessory dwelling units.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

1. review the policies of other states that allow or promote accessory dwelling units;
2. examine the economic, environmental, and local impacts of allowing additional accessory dwelling units, including any impacts to the tax base of the locality where the accessory dwelling unit is located;
3. identify current restrictions that discourage or disallow the usage of accessory dwelling units and examine the reasons for the restriction;
4. determine if common local requirements, such as additional parking spaces, minimum square footage, other dimensional standards, or fees for use, unnecessarily restrict the usage of accessory dwelling units;
5. determine if areas exist where accessory dwelling units are most beneficial and where they may cause undue burden on the local area; and
6. if necessary, develop legislation or recommend other policy changes related to accessory dwelling units.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2024.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 69th Legislature.

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