

House File 947 - Introduced

HOUSE FILE 947
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 162)

A BILL FOR

1 An Act relating to county and city regulation of accessory
2 dwelling units.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 331.301, Code 2025, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 27. a. A county shall allow a minimum of
4 one accessory dwelling unit on the same lot as a single family
5 residence in accordance with the following conditions:

6 (1) An accessory dwelling unit shall comply with all
7 applicable building regulations as defined in chapter 103A.

8 (2) An accessory dwelling unit shall not exceed one thousand
9 square feet or fifty percent of the size of the single family
10 residence, whichever is larger.

11 (3) An accessory dwelling unit shall be prohibited or
12 limited only to the extent that a state historic building code
13 restriction, as adopted by a county in accordance with section
14 103A.43, subsection 3, a deed restriction, or a rule of a common
15 interest community, as defined in section 499C.1, limits or
16 prohibits the construction or use of an accessory dwelling unit.
17 The imposition of an ordinance, motion, resolution, or amendment
18 regulating accessory dwelling units that is more restrictive when
19 applied to a common interest community than when applied to a
20 single family residence is prohibited.

21 (4) If a manufactured home as defined in section 435.1,
22 subsection 3, or a mobile home as defined in section 435.1,
23 subsection 5, is used as an accessory dwelling unit, the
24 manufactured home or mobile home shall be converted to real
25 property by being placed on a permanent foundation and assessed
26 for real estate taxes pursuant to section 435.26.

27 b. Except as otherwise provided in paragraph "a" or by state
28 law, a county shall not impose any of the following limitations
29 or restrictions:

30 (1) Requirements related to the placement or appearance of
31 an accessory dwelling unit that are more restrictive than those
32 imposed on a single family residence including but not limited
33 to the following: maximum building heights; minimum setback
34 requirements; minimum lot sizes; minimum building frontages;
35 maximum lot coverages; density requirements; and aesthetic or

1 architectural standards or requirements. Additionally, a county
2 shall not require an accessory dwelling unit to match the
3 exterior design, roof pitch, or finishing materials of the single
4 family residence.

5 (2) Regulations on the use of an accessory dwelling unit as a
6 rental property that are more restrictive than those provided for
7 in subsection 18 of this section and chapter 562A.

8 (3) A requirement that the lot containing a single family
9 residence and an accessory dwelling unit have additional parking
10 beyond that required for a single family residence or payment of
11 a fee in lieu of providing additional parking.

12 (4) Restrictions on the occupancy of either the single family
13 residence or the accessory dwelling unit by any of the following
14 manners: requiring the property owner to be a resident;
15 requiring a familial, marital, or employment relationship to
16 exist between the occupants of the single family residence and
17 the occupants of the accessory dwelling unit; or restricting the
18 occupancy of an accessory dwelling unit based on income or age.

19 (5) The requirement of new or separate utility lines
20 between the accessory dwelling unit and public utility service
21 connections. However, if full utility access that includes a
22 separate metering system for billing purposes cannot be provided
23 to the accessory dwelling unit, then the county can require new
24 or separate utility lines.

25 (6) Imposition of a different county impact fee structure or
26 development standard for an accessory dwelling unit than those
27 used for the single family residence on the same lot.

28 (7) The requirement of improvements or repairs to public
29 streets or sidewalks beyond those imposed on the single family
30 residence on the same lot.

31 c. A county shall approve an accessory dwelling unit permit
32 application that meets the requirements set forth in paragraph
33 "a" and by state law without discretionary review or hearing
34 and consistent with the time frame assigned to the approval of
35 a single family residence. An accessory dwelling unit permit

1 application shall not have a review timeline or schedule in
2 excess of a county's normal review schedule for a single family
3 residence. If the county denies an accessory dwelling unit
4 permit, the reason for denial shall be provided in writing to the
5 applicant and include any remedy necessary to secure approval.

6 d. A county ordinance, motion, resolution, or amendment
7 regulating accessory dwelling units in a manner that conflicts
8 with this subsection is void. Nothing in this subsection
9 prohibits a county from adopting an ordinance, motion,
10 resolution, or amendment that is more permissive than the
11 requirements provided in this subsection.

12 e. For the purposes of this subsection:

13 (1) "Accessory dwelling unit" means an additional residential
14 dwelling unit located on the same lot as a single family
15 residence that is either attached to or detached from the single
16 family residence.

17 (2) "Detached" includes being part of any accessory structure
18 such as a detached garage.

19 (3) "Dwelling unit" means the same as defined in section
20 562A.6, subsection 3.

21 (4) "Single family residence" means the same as defined in
22 section 562A.6, subsection 15, except to the extent that a single
23 family residence may share utility lines with the accessory
24 dwelling unit if full utility access that includes a separate
25 metering system for billing purposes can be provided to the
26 accessory dwelling unit.

27 Sec. 2. Section 364.3, Code 2025, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 20. a. A city shall allow a minimum of
30 one accessory dwelling unit on the same lot as a single family
31 residence in accordance with the following conditions:

32 (1) An accessory dwelling unit shall comply with all
33 applicable building regulations as defined in chapter 103A.

34 (2) An accessory dwelling unit shall not exceed one thousand
35 square feet or fifty percent of the size of the single family

1 residence, whichever is larger.

2 (3) An accessory dwelling unit shall be prohibited or
3 limited only to the extent that a state historic building code
4 restriction, as adopted by a city in accordance with section
5 103A.43, subsection 3, a deed restriction, or a rule of a common
6 interest community, as defined in section 499C.1, limits or
7 prohibits the construction or use of an accessory dwelling unit.
8 The imposition of an ordinance, motion, resolution, or amendment
9 regulating accessory dwelling units that is more restrictive when
10 applied to a common interest community than when applied to a
11 single family residence is prohibited.

12 (4) If a manufactured home as defined in section 435.1,
13 subsection 3, or a mobile home as defined in section 435.1,
14 subsection 5, is used as an accessory dwelling unit, the
15 manufactured home or mobile home shall be converted to real
16 property by being placed on a permanent foundation and assessed
17 for real estate taxes pursuant to section 435.26.

18 b. Except as otherwise provided in paragraph "a" or by state
19 law, a city shall not impose any of the following limitations or
20 restrictions:

21 (1) Requirements related to the placement or appearance of
22 an accessory dwelling unit that are more restrictive than those
23 imposed on a single family residence including but not limited
24 to the following: maximum building heights; minimum setback
25 requirements; minimum lot sizes; minimum building frontages;
26 maximum lot coverages; density requirements; and aesthetic or
27 architectural standards or requirements. Additionally, a city
28 shall not require an accessory dwelling unit to match the
29 exterior design, roof pitch, or finishing materials of the single
30 family residence.

31 (2) Regulations on the use of an accessory dwelling unit as
32 a rental property that are more restrictive than those provided
33 for in subsections 9 and 16 of this section, section 414.1,
34 subsection 1, paragraph "e", and chapter 562A.

35 (3) A requirement that the lot containing a single family

1 residence and an accessory dwelling unit have additional parking
2 beyond that required for a single-family residence or payment of
3 a fee in lieu of providing additional parking.

4 (4) Restrictions on the occupancy of either the single family
5 residence or the accessory dwelling unit by any of the following
6 manners: requiring the property owner to be a resident;
7 requiring a familial, marital, or employment relationship to
8 exist between the occupants of the single family residence and
9 the occupants of the accessory dwelling unit; or restricting the
10 occupancy of an accessory dwelling unit based on income or age.

11 (5) A requirement of new or separate utility lines between
12 the accessory dwelling unit and public utility service
13 connections. However, if full utility access that includes a
14 separate metering system for billing purposes cannot be provided
15 to the accessory dwelling unit, then the city can require new or
16 separate utility lines.

17 (6) Imposition of a different city impact fee structure or
18 development standard for an accessory dwelling unit than those
19 used for the single family residence on the same lot.

20 (7) The requirement of improvements or repairs to public
21 streets or sidewalks beyond those imposed on the single family
22 residence on the same lot.

23 c. A city shall approve an accessory dwelling unit permit
24 application that meets the requirements set forth in paragraph
25 "a" and by state law without discretionary review or hearing
26 and consistent with the time frame assigned to the approval of
27 a single family residence. An accessory dwelling unit permit
28 application shall not have a review timeline or schedule in
29 excess of a city's normal review schedule for a single family
30 residence. If the city denies an accessory dwelling unit permit,
31 the reason for denial shall be provided in writing to the
32 applicant and include any remedy necessary to secure approval.

33 d. A city ordinance, motion, resolution, or amendment
34 regulating accessory dwelling units in a manner that conflicts
35 with this subsection is void. Nothing in this subsection

1 prohibits a city from adopting an ordinance, motion, resolution,
2 or amendment that is more permissive than the requirements
3 provided in this subsection.

4 e. For the purposes of this subsection:

5 (1) "Accessory dwelling unit" means an additional residential
6 dwelling unit located on the same lot as a single family
7 residence that is either attached to or detached from the single
8 family residence.

9 (2) "Detached" includes being part of an accessory structure
10 such as a detached garage.

11 (3) "Dwelling unit" means the same as defined in section
12 562A.6, subsection 3.

13 (4) "Single family residence" means the same as defined in
14 section 562A.6, subsection 15, except to the extent that a single
15 family residence may share utility lines with the accessory
16 dwelling unit if full utility access that includes a separate
17 metering system for billing purposes can be provided to the
18 accessory dwelling unit.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill provides that a county or city shall allow a minimum
23 of one accessory dwelling unit (ADU) on the same lot as a single
24 family residence. The ADU shall comply with all applicable
25 building regulations as defined in Code chapter 103A, must not
26 exceed 1,000 square feet or 50 percent of the size of the single
27 family residence, whichever is larger, and shall be prohibited
28 or limited only to the extent that a state historic building
29 code restriction, as adopted by a county or city in accordance
30 with Code section 103A.43, subsection 3, a deed restriction,
31 or a rule of a common interest community, as defined in Code
32 section 499C.1, limits or prohibits the construction or use of
33 an ADU. The imposition of an ordinance, motion, resolution, or
34 amendment regulating ADUs that is more restrictive when applied
35 to a common interest community than when applied to a single

1 family residence is prohibited. If a manufactured home as
2 defined in Code section 435.1, subsection 3, or a mobile home as
3 defined in Code section 435.1, subsection 5, is used as an ADU,
4 the manufactured home or mobile home shall be converted to real
5 property by being placed on a permanent foundation and assessed
6 for real estate taxes pursuant to Code section 435.26.

7 A county or city shall not impose any of the following
8 limitations or restrictions: requirements related to the
9 placement or appearance of an ADU that are more restrictive
10 than those imposed on a single family residence including
11 maximum building heights, minimum setback requirements, minimum
12 lot sizes, minimum building frontages, maximum lot coverages,
13 density requirements, and aesthetic or architectural standards
14 or requirements; regulations on the use of an ADU as a rental
15 property that are more restrictive than those provided for
16 in Code section 331.301, subsection 18, for counties, Code
17 section 364.3, subsections 9 and 16, and Code section 414.1,
18 subsection 1, paragraph "e", for cities; and Code chapter 562A;
19 a requirement that the lot containing a single family residence
20 and an ADU have additional parking beyond that required for a
21 single family residence or payment of a fee in lieu of providing
22 additional parking; the requirement of new or separate utility
23 lines between the ADU and public or private utility service
24 connections; imposition of a different county or city impact fee
25 structure for an ADU than the one used for the single family
26 residence on the same lot; and the requirement of improvements
27 or repairs to public streets or sidewalks beyond those imposed on
28 the single family residence on the same lot.

29 A county or city cannot impose restrictions on the occupants
30 of either the single family residence or the ADU by any
31 the following manners: requiring the property owner to
32 be a resident; requiring a familial, marital, or employment
33 relationship to exist between the occupants of the single family
34 residence and the occupants of the ADU; and restricting the
35 occupancy of an ADU based on income or age. A county or city

1 shall not require an ADU to match the exterior design, roof
2 pitch, or finishing materials of the single family residence. If
3 full utility access that includes a separate metering system for
4 billing purposes cannot be provided to the ADU then the county
5 or city can require new or separate utility lines between the ADU
6 and public utility service connections.

7 A county or city must approve an ADU permit application that
8 meets the necessary requirements without discretionary review
9 or hearing and consistent with the time frame assigned to the
10 approval of a single family residence. An ADU permit application
11 shall not have a review timeline or schedule in excess of the
12 county or city's normal review schedule for a single family
13 residence. If the county or city denies an ADU permit, the
14 reason for denial must be provided in writing to the applicant
15 and include any remedy necessary to secure approval. A county
16 or city ordinance, motion, resolution, or amendment regulating
17 ADUs in a manner that conflicts with the bill is void. A county
18 or city can adopt an ordinance, motion, resolution, or amendment
19 that is more permissive than the requirements provided in the
20 bill.

21 For the purposes of the bill, "accessory dwelling unit" means
22 an additional residential dwelling unit located on the same lot
23 as a single family residence that is either attached to or
24 detached from the single family residence; "detached" includes
25 being part of any accessory structure such as a detached garage;
26 "dwelling unit" means a structure or the part of a structure that
27 is used as a home, residence, or sleeping place; and "single
28 family residence" means a structure maintained and used as a
29 single dwelling unit, even if the structure shares utility lines
30 with the ADU if full utility access that includes a separate
31 metering system for billing purposes is provided to the ADU.