

House Study Bill 162 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON JONES)

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:

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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 adopt an ordinance,
4 motion, resolution, or amendment that allows a minimum of one
5 accessory dwelling unit on the same lot as a single family
6 residence in accordance with the following conditions:

7 (1) An accessory dwelling unit shall comply with all
8 applicable building regulations as defined in section 103A.3.

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

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

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

28 (1) A requirement that an accessory dwelling unit be smaller
29 than one thousand square feet. However, a county may prohibit
30 the accessory dwelling unit from being larger than the single
31 family residence.

32 (2) Requirements related to the placement or appearance of
33 an accessory dwelling unit that are more restrictive than those
34 imposed on a single family residence including but not limited
35 to the following: maximum building heights; minimum setback

1 requirements; minimum lot sizes; minimum building frontages;
2 maximum lot coverages; density requirements; and aesthetic or
3 architectural standards or requirements. Additionally, a county
4 shall not require an accessory dwelling unit to match the
5 exterior design, roof pitch, or finishing materials of the single
6 family residence.

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

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

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

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

27 (7) Prohibition of the construction of an accessory dwelling
28 unit as it relates to the timing of the construction of the
29 single family residence on the same lot. An accessory dwelling
30 unit can be constructed before, during, or after the construction
31 of the single family residence.

32 (8) Imposition of a different county impact fee structure or
33 development standard for an accessory dwelling unit than those
34 used for the single family residence on the same lot.

35 (9) The requirement of improvements or repairs to public

1 streets or sidewalks beyond those imposed on the single family
2 residence on the same lot.

3 c. A county shall approve an accessory dwelling unit permit
4 application that meets the requirements set forth in paragraph
5 "a" and by state law without discretionary review or hearing
6 and consistent with the time frame assigned to the approval of
7 a single family residence. An accessory dwelling unit permit
8 application not approved or denied within thirty days of receipt
9 shall be deemed approved by the county. If the county denies
10 an accessory dwelling unit permit, the reason for denial shall
11 be provided in writing to the applicant and include any remedy
12 necessary to secure approval.

13 d. A county ordinance, motion, resolution, or amendment
14 regulating accessory dwelling units in a manner that conflicts
15 with this subsection is void. Nothing in this subsection
16 prohibits a county from adopting an ordinance, motion,
17 resolution, or amendment that is more permissive than the
18 requirements provided in this subsection.

19 e. For the purposes of this subsection:

20 (1) "Accessory dwelling unit" means an additional residential
21 dwelling unit located on the same lot as a single family
22 residence that is either attached to or detached from the single
23 family residence.

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

26 (3) "Dwelling unit" means the same as defined in section
27 562A.6, subsection 3.

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

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

1 NEW SUBSECTION. 20. a. A city shall adopt an ordinance,
2 motion, resolution, or amendment that allows a minimum of one
3 accessory dwelling unit on the same lot as a single family
4 residence in accordance with the following conditions:

5 (1) An accessory dwelling unit shall comply with all
6 applicable building regulations as defined in section 103A.3.

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

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

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

26 (1) A requirement that an accessory dwelling unit be smaller
27 than one thousand square feet. However, a city may prohibit the
28 accessory dwelling unit from being larger than the single family
29 residence.

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

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

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

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

26 (7) Prohibition of the construction of an accessory dwelling
27 unit as it relates to the timing of the construction of the
28 single family residence on the same lot. An accessory dwelling
29 unit can be constructed before, during, or after the construction
30 of the single family residence.

31 (8) Imposition of a different city impact fee structure or
32 development standard for an accessory dwelling unit than those
33 used for the single family residence on the same lot.

34 (9) The requirement of improvements or repairs to public
35 streets or sidewalks beyond those imposed on the single family

1 residence on the same lot.

2 c. A city shall approve an accessory dwelling unit permit
3 application that meets the requirements set forth in paragraph
4 "a" and by state law without discretionary review or hearing
5 and consistent with the time frame assigned to the approval of
6 a single family residence. An accessory dwelling unit permit
7 application not approved or denied within thirty days of receipt
8 shall be deemed approved by the city. If the city denies an
9 accessory dwelling unit permit, the reason for denial shall be
10 provided in writing to the applicant and include any remedy
11 necessary to secure approval.

12 d. A city ordinance, motion, resolution, or amendment
13 regulating accessory dwelling units in a manner that conflicts
14 with this subsection is void. Nothing in this subsection
15 prohibits a city from adopting an ordinance, motion, resolution,
16 or amendment that is more permissive than the requirements
17 provided in this subsection.

18 e. For the purposes of this subsection:

19 (1) "*Accessory dwelling unit*" means an additional residential
20 dwelling unit located on the same lot as a single family
21 residence that is either attached to or detached from the single
22 family residence.

23 (2) "*Detached*" includes being part of an accessory structure
24 such as a detached garage.

25 (3) "*Dwelling unit*" means the same as defined in section
26 562A.6, subsection 3.

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

33 EXPLANATION

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

1 This bill provides that a county or city shall adopt an
2 ordinance, motion, resolution, or amendment that allows a minimum
3 of one accessory dwelling unit (ADU) on the same lot as a single
4 family residence. The ADU shall comply with all applicable
5 building regulations as defined in Code section 103A.3, and shall
6 be prohibited or limited to the extent that a state historic
7 building code restriction, as adopted by a county or city in
8 accordance with Code section 103A.43, subsection 3, a deed
9 restriction, or a rule of a common interest community, as defined
10 in Code section 499C.1, limits or prohibits the construction
11 or use of an ADU. The imposition of an ordinance, motion,
12 resolution, or amendment regulating ADUs that is more restrictive
13 when applied to a common interest community than when applied
14 to a single family residence is prohibited. If a manufactured
15 home as defined in Code section 435.1, subsection 3, or a mobile
16 home as defined in Code section 435.1, subsection 5, is used as
17 an ADU, the manufactured home or mobile home shall be converted
18 to real property by being placed on a permanent foundation and
19 assessed for real estate taxes pursuant to Code section 435.26.

20 A county or city shall not impose any of the following
21 limitations or restrictions: a requirement that an ADU be
22 smaller than 1,000 square feet; requirements related to the
23 placement or appearance of an ADU that are more restrictive
24 than those imposed on a single family residence including
25 maximum building heights, minimum setback requirements, minimum
26 lot sizes, minimum building frontages, maximum lot coverages,
27 density requirements, and aesthetic or architectural standards
28 or requirements; regulations on the use of an ADU as a rental
29 property that are more restrictive than those provided for
30 in Code section 331.301, subsection 18, for counties, Code
31 section 364.3, subsections 9 and 16, and Code section 414.1,
32 subsection 1, paragraph "e", for cities; and Code chapter 562A;
33 a requirement that the lot containing a single family residence
34 and an ADU have additional parking beyond that required for a
35 single family residence or payment of a fee in lieu of providing

1 additional parking; the requirement of new or separate utility
2 lines between the ADU and public or private utility service
3 connections; prohibition of the construction of an ADU as it
4 relates to the timing of the construction of the single family
5 residence on the same lot; imposition of a different county or
6 city impact fee structure for an ADU than the one used for the
7 single family residence on the same lot; and the requirement of
8 improvements or repairs to public streets or sidewalks beyond
9 those imposed on the single family residence on the same lot.

10 A county or city cannot impose restrictions on the occupants
11 of either the single family residence or the ADU by any
12 the following manners: requiring the property owner to
13 be a resident; requiring a familial, marital, or employment
14 relationship to exist between the occupants of the single family
15 residence and the occupants of the ADU; and restricting the
16 occupancy of an ADU based on income or age. A county or city
17 shall not require an ADU to match the exterior design, roof
18 pitch, or finishing materials of the single family residence. A
19 county or city may prohibit the ADU from being larger than the
20 single family residence on the same lot. If full utility access
21 that includes a separate metering system for billing purposes
22 cannot be provided to the ADU then the county or city can require
23 new or separate utility lines between the ADU and public utility
24 service connections.

25 A county or city must approve an ADU permit application that
26 meets the necessary requirements without discretionary review
27 or hearing and consistent with the time frame assigned to the
28 approval of a single family residence. An ADU permit application
29 not approved or denied within 30 days of receipt shall be
30 deemed approved by the county or city. If the county or city
31 denies an ADU permit, the reason for denial must be provided
32 in writing to the applicant and include any remedy necessary to
33 secure approval. A county or city ordinance, motion, resolution,
34 or amendment regulating ADUs in a manner that conflicts with
35 the bill is void. A county or city can adopt an ordinance,

1 motion, resolution, or amendment that is more permissive than the
2 requirements provided in the bill.

3 For the purposes of the bill, "accessory dwelling unit" means
4 an additional residential dwelling unit located on the same lot
5 as a single family residence that is either attached to or
6 detached from the single family residence; "detached" includes
7 being part of any accessory structure such as a detached garage;
8 "dwelling unit" means a structure or the part of a structure that
9 is used as a home, residence, or sleeping place; and "single
10 family residence" means a structure maintained and used as a
11 single dwelling unit, even if the structure shares utility lines
12 with the ADU if full utility access that includes a separate
13 metering system for billing purposes is provided to the ADU.

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