

SB 391 A -A6 STAFF MEASURE SUMMARY

House Committee On Housing

Prepared By: Claire Adamsick, LPRO Analyst

Meeting Dates: 5/11, 5/20, 5/25

WHAT THE MEASURE DOES:

Allows counties to authorize owners of lot or parcel in rural residential zones to construct one accessory dwelling unit (ADU) on lot or parcel, subject to certain conditions and compliance with local land use regulations. Disallows general use of ADUs for vacation occupancy. Requires counties to establish regulations on adequate setbacks from adjacent land zoned for resource use; adequate access to ADUs for wildfire mitigation and evacuation; and defensible space and fuel break standards developed in consultation with local fire protection service providers. Clarifies water supply rights and uses for ADUs. Declares emergency, effective upon passage.

SENATE VOTE: *Passed. Ayes, 28; Nays, 1--Heard; Excused, 1--Linthicum.*

FISCAL: *No fiscal impact*

REVENUE: *No revenue impact*

ISSUES DISCUSSED:

- Ensuring ADU siting is in alignment with new state wildfire risk maps
- Current ADU allowances in rural residential zones only through medical hardship or agriculture workforce housing
- Ensuring fire protection is available for properties located outside of a rural protection district
- Clarifying that 2-acre minimum lot size was compromise reached by work group

EFFECT OF AMENDMENT:

-A6 Clarifies that an ADU must be located on a lot or parcel served by a fire protection service provider with professionals who have received training or certification which meets the minimum standards provided by the Department of Public Safety Standards and Training.

BACKGROUND:

Until 2017, construction of an accessory dwelling unit (ADU) on land zoned for either exclusive farm use or rural residential use was only allowed if the ADU would be used for farmworkers. House Bill 3012, enacted during the 2017 legislative session, allowed the construction of a new single-family dwelling unit, subject to certain conditions, in an area zoned for residential use, and the conversion of a historic home on the same lot or parcel into an accessory dwelling unit. The measure prohibited the subdivision of the lot or parcel, limited modifications to the ADU, prohibited rebuilding of the structure in the case of fire, and did not allow the construction of an additional ADU on the same lot or parcel. The measure also authorized counties to require that the new dwelling be served by the same water supply source as the ADU and allowed counties to impose additional conditions for approval.

Senate Bill 391 A allows counties to authorize owners of a lot or parcel in a rural residential zone to construct one ADU on the lot or parcel, subject to certain conditions and locally-adopted land use regulations. It clarifies the ADU may not be used for vacation occupancy. The measure also requires counties establish regulations regarding setback requirements when a property is adjacent to land zoned for resource use, to address water access and use, and to work with local fire protection service providers to ensure the ADU is accessible in any wildfire mitigation efforts.