

1 **HOME OWNERSHIP REQUIREMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael K. McKell**

5 House Sponsor: Val L. Peterson

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7 **LONG TITLE**

8 **General Description:**

9 This bill prohibits certain municipal and county land use regulations.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines terms;

13 ▶ prohibits a county or municipal legislative body from adopting or enforcing a land  
14 use regulation that regulates co-owned homes differently from other residential  
15 units; and

16 ▶ prohibits a county or municipal legislative body from using a land use regulation  
17 regarding co-owned homes to punish individuals for owning or using a co-owned  
18 home.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **10-8-85.10**, Utah Code Annotated 1953

26 **17-50-340**, Utah Code Annotated 1953

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **10-8-85.10** is enacted to read:

30 **10-8-85.10. Ordinances regarding co-ownership -- Prohibition on municipal**  
31 **ordinances restricting co-ownership models.**

32 (1) As used in this section:

33 (a) "Co-owned home" means any residential unit that is jointly owned, in any manner  
34 or form, by any combination of individuals or entities.

35 (b) "Residential unit" means the same as that term is defined in Section [10-8-85.4](#).

36 (2) Notwithstanding Section [10-9a-501](#) and Subsection [10-9a-503\(1\)](#), a municipal  
37 legislative body may not:

38 (a) adopt or enforce a land use regulation that regulates co-owned homes differently  
39 than other residential units; or

40 (b) use a land use regulation governing co-owned homes to fine, charge, prosecute, or  
41 otherwise punish an individual solely for the act of owning or using a co-owned home.

42 (3) Notwithstanding Subsection (2), a legislative body may adopt and enforce land use  
43 regulations, if the regulations are applied equally to all residential units, including co-owned  
44 homes.

45 (4) This section does not limit private individuals or associations from adopting rules  
46 or regulations governing co-owned homes.

47 (5) Nothing in this section limits a municipality's authority to adopt or enforce  
48 regulations regarding:

49 (a) accessory dwelling units, as defined in Section [10-9a-103](#);

50 (b) internal accessory dwelling units, as defined in Section [10-9a-511.5](#); or

51 (c) the rental of a residential unit for fewer than 30 days consistent with Section  
52 [10-8-85.4](#).

53 Section 2. Section **17-50-340** is enacted to read:

54 **17-50-340. Ordinances regarding co-ownership -- Prohibition on county**  
55 **ordinances restricting co-ownership models.**

56 (1) As used in this section:

57 (a) "Co-owned home" means any residential unit that is jointly owned, in any manner

58 or form, by any combination of individuals or entities.

59 (b) "Residential unit" means the same as that term is defined in Section [17-50-338](#).

60 (2) Notwithstanding Section [17-27a-501](#) or Subsection [17-27a-503\(1\)](#), a county  
61 legislative body may not:

62 (a) adopt or enforce a land use regulation that governs co-owned homes differently  
63 than other residential units; or

64 (b) use a land use regulation that regulates co-owned homes to fine, charge, prosecute,  
65 or otherwise punish an individual solely for the act of owning or using a co-owned home.

66 (3) Notwithstanding Subsection (2), a legislative body may adopt and enforce land use  
67 regulations, if the regulations are applied equally to all residential units, including co-owned  
68 homes.

69 (4) This section does not limit homeowners' associations or condominium associations  
70 from adopting rules or regulations governing co-owned homes.

71 (5) Nothing in this section limits a county's authority to adopt or enforce regulations  
72 regarding:

73 (a) accessory dwelling units, as defined in Section [17-27a-103](#);

74 (b) internal accessory dwelling units, as defined in Section [17-27a-510.5](#); or

75 (c) the rental of a residential unit for fewer than 30 days consistent with Section  
76 [17-50-338](#).