



ARIZONA HOUSE OF REPRESENTATIVES

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HB 2928: accessory dwelling units; requirements

Sponsor: Representative Carbone, LD 25

Signed by the Governor

Overview

Prescribes regulations counties must adopt regarding a lot or parcel where a single-family dwelling is allowed.

History

An accessory dwelling unit (ADU) is defined as a self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the ADU, that includes its own sleeping and sanitation facilities and that might also include its own kitchen facilities.

A municipality with a population greater than 75,000 persons is required to adopt regulations allowing, for any lot where a single-family dwelling is allowed, at least one attached and one detached ADU as a permitted use. A municipality is not allowed to prohibit the use or advertisement of either the single-family dwelling or any ADU located on the same lot, parcel or 1000 square feet, whichever is less ([A.R.S. § 9-461.18](#)).

Provisions

1. Adds language requiring a noise level over 65 decibels to the areas that are exempt from related specified regulations. (Sec. 1)
2. Allows cities, towns and counties to regulate vacation or short-term rentals by requiring the owner of a vacation or short-term rental to reside on the property if it contains an ADU and has a specified certificate relating to final approval of the ADU issued on or after September 14, 2024. (Sec. 2, 4)
3. States that, effective January 1, 2026, the requirement for a city or town to administratively review and approve certain development documents and the authorization for a city or town to adopt a self-certification program for building projects does not apply to land in an area that is designated:
 - a) as a district of historical significance in accordance with statute;
 - b) as historic on the National Register of Historic Places; or
 - c) historic by a local government. (Sec. 3, 6)
4. Requires counties to adopt regulations allowing at least one attached and detached ADU, an additional ADU if a lot or parcel is at least one acre in size and an ADU that is 75% of the gross floor area of the single-family dwelling, whichever is less. (Sec. 5)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

5. Allows a county to require an additional ADU on a lot or parcel to be a restricted-affordable dwelling unit. (Sec. 5)
6. Specifies a county is not prohibited from allowing an ADU larger than 75% of the gross floor area of the single-family dwelling on the same lot or parcel as the ADU. (Sec. 5)
7. Prohibits a county from imposing restrictions that:
 - a) prohibit the use or advertisement of a single-family dwelling or any ADU located on the same lot or parcel of a separately leased long-term rental housing;
 - b) requires a preexisting relationship between the owner or occupant of a single-family dwelling and occupant of an ADU on the same lot or parcel;
 - c) require additional parking or the payment of fees to accommodate an ADU;
 - d) require the ADU to match the specified design or materials of the single-family dwelling unit;
 - e) impose additional restrictions for ADU's compared to those for single-family dwelling within the same zoning area;
 - f) set rear or side setbacks for ADU's more than five feet away from the property line;
 - g) require public street improvements as a condition of allowing an ADU, with an exception; and
 - h) mandate a restrictive covenant concerning an ADU on a lot or parcel zoned for residential use by a single-family dwelling. (Sec. 5)
8. Specifies the above requirements do not prohibit a restrictive covenant or shared well agreement concerning ADU's entered into between private parties. (Sec. 5)
9. Specifies the above regulations and prohibitions do not supersede applicable codes, fire codes, sensitive environmental area regulations, wildfire prevention regulations, emergency vehicle access regulations or health and safety regulations, with an exception for a commercial building code. (Sec. 5)
10. States that county ADU requirements do not:
 - a) supersede applicable drainage or flood control regulations; or
 - b) apply to lots or parcels that are located on property in a high noise or accident potential zone. (Sec. 5)
11. Prohibits an ADU from being built on top of a current or planned public utility easement unless written consent is obtained. (Sec. 5)
12. Asserts that if a county fails to adopt the above regulation by January 1, 2026, ADU's will be allowed on all lots or parcels zoned for residential use in that county. (Sec. 5)
13. Creates an exception for all above regulations for lots or parcels on tribal land, land in the vicinity of a military airport, ancillary military facility, general aviation airport, federal aviation administration commercially licensed airport or public airport within certain noise requirements. (Sec. 5)
14. Allows a county to require a septic system to an ADU to be adequately sized prior to the construction of the ADU, if that ADU will not be adequately serviced by an existing sewer system. (Sec. 5)
15. Defines *accessory dwelling unit*, *gross floor area*, *long-term rental*, *permitted use* and *restricted-affordable dwelling unit*. (Sec. 4, 5)

16. Specifies that a county must allow each ADU that is developed in accordance with county ADU requirements be at least 75 percent of the gross floor area of the single-family dwelling on the same lot or parcel, or 1,000 square feet, whichever is less. (Sec. 5)
17. Makes technical and conforming changes. (Sec. 1, 2, 3)