

REFERENCE TITLE: accessory dwelling units; requirements

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **HB 4028**

Introduced by  
Representative Powell

AN ACT

AMENDING SECTION 9-461.18, ARIZONA REVISED STATUTES; RELATING TO ACCESSORY DWELLING UNITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-461.18, Arizona Revised Statutes, is amended  
3 to read:

4 9-461.18. Accessory dwelling units; regulation;  
5 applicability; definitions

6 A. A municipality shall adopt regulations that allow ALL OF THE  
7 FOLLOWING on any lot or parcel where a single-family dwelling is allowed  
8 ~~all of the following:~~

9 1. At least one attached and one detached accessory dwelling unit  
10 as a permitted use.

11 2. A minimum of one additional detached accessory dwelling unit as  
12 a permitted use on a lot or parcel that is one acre or more in size if at  
13 least one accessory dwelling unit on the lot or parcel is a  
14 restricted-affordable dwelling unit.

15 3. An accessory dwelling unit that is seventy-five percent of the  
16 gross floor area of the single-family dwelling on the same lot or parcel  
17 ~~or one thousand square feet, whichever is less.~~

18 B. A municipality may not do any of the following:

19 1. Prohibit the use or advertisement of either the single-family  
20 dwelling or any accessory dwelling unit located on the same lot or parcel  
21 as separately leased long-term rental housing.

22 2. Require a familial, marital, employment or other preexisting  
23 relationship between the owner or occupant of a single-family dwelling and  
24 the occupant of an accessory dwelling unit located on the same lot or  
25 parcel.

26 3. Require that a lot or parcel have additional parking to  
27 accommodate an accessory dwelling unit or require payment of fees instead  
28 of additional parking.

29 4. Require that an accessory dwelling unit match the exterior  
30 design, roof pitch or finishing materials of the single-family dwelling  
31 that is located on the same lot as the accessory dwelling unit.

32 5. Set restrictions for accessory dwelling units that are more  
33 restrictive than those for single-family dwellings within the same zoning  
34 area with regard to height, setbacks, lot size or coverage or building  
35 frontage.

36 ~~6. Set rear or side setbacks for accessory dwelling units that are~~  
37 ~~more than five feet from the property line.~~

38 ~~7.~~ 6. Require improvements to public streets as a condition of  
39 allowing an accessory dwelling unit, except as necessary to reconstruct or  
40 repair a public street that is disturbed as a result of the construction  
41 of the accessory dwelling unit.

42 ~~8.~~ 7. Require a restrictive covenant concerning an accessory  
43 dwelling unit on a lot or parcel zoned for residential use by a  
44 single-family dwelling.

1           8. REQUIRE AN ADMINISTRATIVE USE PERMIT FOR CONSTRUCTING AN  
2 ACCESSORY DWELLING UNIT.

3           9. REQUIRE THAT THE ACCESSORY DWELLING UNIT BE LOCATED ENTIRELY  
4 WITHIN THE SPACE WHERE BUILDINGS ARE ALLOWED AS DEFINED BY APPLICABLE  
5 SETBACKS.

6           10. REQUIRE THAT AN ACCESSORY DWELLING UNIT'S BUILDING ELEVATION  
7 MEET APPLICABLE MUNICIPAL ELEVATION CRITERIA.

8           C. This section does not prohibit restrictive covenants concerning  
9 accessory dwelling units entered into between private parties. The  
10 municipality may not condition a permit, license or use of an accessory  
11 dwelling unit on adopting or implementing a restrictive covenant between  
12 private parties.

13           D. This section does not supersede applicable building codes, fire  
14 codes or public health and safety regulations, except that a municipality  
15 may not require an accessory dwelling unit to comply with a commercial  
16 building code or contain a fire sprinkler.

17           E. An accessory dwelling unit may not be built on top of a current  
18 or planned public utility easement unless the property owner receives  
19 written consent from any utility that is currently using the public  
20 utility easement or that may use the public utility easement in the  
21 future.

22           F. If a municipality fails to adopt development regulations as  
23 required by this section on or before January 1, ~~2025~~ 2027, accessory  
24 dwelling units shall be allowed on all lots or parcels zoned for  
25 residential use in the municipality without limits.

26           G. This section does not apply to lots or parcels that are located  
27 on:

28           1. Tribal land.

29           2. Land that is in the territory in the vicinity of a military  
30 airport or ancillary military facility as defined in section 28-8461.

31           3. Land that is in the territory in the vicinity of a federal  
32 aviation administration commercially licensed airport or a general  
33 aviation airport or land that is in the territory in the vicinity of a  
34 public airport as defined in section 28-8486 and that has a noise level of  
35 greater than sixty-five decibels.

36           H. This section applies to a municipality with a population of more  
37 than seventy-five thousand persons.

38           I. For the purposes of this section:

39           1. "Accessory dwelling unit" means a self-contained living unit  
40 that is on the same lot or parcel as a single-family dwelling of greater  
41 square footage than the accessory dwelling unit, that includes its own  
42 sleeping and sanitation facilities and that may include its own kitchen  
43 facilities.

44           2. "Gross floor area" means the interior habitable area of a  
45 single-family dwelling or an accessory dwelling unit.

- 1           3. "Long-term rental" means rental use in which the tenant holds a  
2 lease of ninety days or longer or on a month-by-month basis.
- 3           4. "Municipality" means a city or town that exercises zoning powers  
4 under this title.
- 5           5. "Permitted use" means the ability for a development to be  
6 approved without requiring a public hearing, variance, conditional use  
7 permit, special permit or special exception, other than a discretionary  
8 zoning action to determine that a site plan conforms with applicable  
9 zoning regulations.
- 10          6. "Restricted-affordable dwelling unit" means a dwelling unit  
11 that, either through a deed restriction or a development agreement with  
12 the municipality, is rented to households earning up to eighty percent of  
13 [THE](#) area median income.