

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 409

Short Title: Regulation of Accessory Dwelling Units. (Public)

Sponsors: Representatives Winslow, Alston, Tyson, and G. Brown (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government - Land Use, Planning and Development, if favorable, Rules,
Calendar, and Operations of the House

March 20, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE AFFORDABLE HOUSING BY ALLOWING FOR THE
3 CONSTRUCTION OR SITING OF ACCESSORY DWELLING UNITS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Part 1 of Article 9 of Chapter 160D of the General Statutes is
6 amended by adding a new section to read:

7 "**§ 160D-917. Accessory dwelling units.**

8 (a) A local government shall allow the development of at least one accessory dwelling
9 unit which conforms to the North Carolina Residential Code for One- and Two-Family
10 Dwellings, including applicable provisions from State fire prevention code, for each detached
11 single-family dwelling in areas zoned for residential use that allow for development of detached
12 single-family dwellings. An accessory dwelling unit may be built or sited at any time before,
13 concurrently, or after the primary dwelling has been constructed or sited. Nothing in this section
14 shall prohibit a local government from permitting accessory dwelling units in any area not
15 otherwise required under this section. For the purposes of this section, the term "accessory
16 dwelling unit" means an attached or detached residential structure that is used in connection with
17 or that is accessory to a primary single-family dwelling and that has less total square footage than
18 the primary single-family dwelling.

19 (b) Development and permitting of an accessory dwelling unit shall not be subject to any
20 of the following requirements:

- 21 (1) Owner-occupancy of any dwelling unit, including an accessory unit.
22 (2) Minimum parking requirements or other parking restrictions, including the
23 imposition of additional parking requirements where an existing structure is
24 converted for use as an accessory dwelling unit.
25 (3) Conditional use zoning.

26 (c) In permitting accessory dwelling units under this section, a local government shall
27 not do any of the following:

- 28 (1) Prohibit the connection of the accessory dwelling unit to existing utilities
29 servicing the primary dwelling unit.
30 (2) Charge any fee other than a building permit that does not exceed the amount
31 charged for any single-family dwelling unit similar in nature.

32 (d) Except as otherwise provided in this section, a local government may regulate
33 accessory dwelling units pursuant to this Chapter, provided that the regulations do not act to
34 discourage development or siting of accessory dwelling units through unreasonable costs or



1 delay. Nothing in this section shall affect the validity or enforceability of private covenants or
2 other contractual agreements among property owners relating to dwelling type restrictions.

3 (e) A local government may impose a setback minimum for accessory dwelling units of
4 5 feet or the setback minimum imposed generally upon lots in the same zoning classification,
5 whichever is less."

6 **SECTION 1.(b)** This section becomes effective October 1, 2023.

7 **SECTION 2.** Local governments shall adopt land use ordinances and regulations or
8 amend their comprehensive plans to implement the provisions in this act no later than October 1,
9 2023.

10 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
11 law.