

Proposed Edits to UDO Adoption Draft

CURRENT LANGUAGE

20.03.030(g)(5)(H) - Use-Specific Standards – Dwelling, Accessory Unit

CURRENT LANGUAGE

(H) Owner Occupancy

- i. ADUs shall only be permitted on a property where either the primary dwelling unit or the ADU is occupied by the owner of the property. For the purposes of this section, the owner is defined as the individual, family, or group who holds the property tax homestead deduction for the property in accordance with state law.
- ii. The owner of each property on which an ADU is located shall sign an affidavit pledging agreement with the terms of this section. The affidavit shall specify which dwelling unit (either the primary dwelling unit or the ADU) the owner will occupy. If at any time the owner moves from one dwelling unit to the other, the owner shall file an updated affidavit. Otherwise, all affidavits shall be filed annually with the Planning and Transportation Department.
- iii. Any primary dwelling or ADU used as a rental unit shall register with the department of housing and neighborhood development (HAND) and receive appropriate certification prior to occupancy.

PROPOSED LANGUAGE

(H) Owner Occupancy

- i. ADUs shall only be permitted on a property where either the primary dwelling unit or the ADU is occupied by the owner of the property. For the purposes of this section, the owner is defined as the individual, family, or group who holds the property tax homestead deduction for the property in accordance with state law; and, the owner includes the named beneficiary(ies) of a trust or estate owning the property who are entitled to occupy the property.
- ii. The owner of each property on which an ADU is located shall sign an affidavit pledging agreement with the terms of this section. The affidavit shall specify which dwelling unit (either the primary dwelling unit or the ADU) the owner will occupy. If at any time the owner moves from one dwelling unit to the other, the owner shall file an updated affidavit. Otherwise, all affidavits shall be filed annually with the Planning and Transportation Department.
- iii. Any primary dwelling or ADU used as a rental unit shall register with the department of housing and neighborhood development (HAND) and receive appropriate certification prior to occupancy.