



# HOUSE BILL 466: Allow Temporary Dwellings During Construction.

2023-2024 General Assembly

|                       |                                                    |                     |                                   |
|-----------------------|----------------------------------------------------|---------------------|-----------------------------------|
| <b>Committee:</b>     | House Rules, Calendar, and Operations of the House | <b>Date:</b>        | August 16, 2023                   |
| <b>Introduced by:</b> | Reps. Crutchfield, Johnson, McNeely, Balkcom       | <b>Prepared by:</b> | Howard Marsilio<br>Staff Attorney |
| <b>Analysis of:</b>   | Second Edition                                     |                     |                                   |

**OVERVIEW:** *House Bill 466 would require counties to issue permits for the use of temporary dwellings meeting certain requirements on residential construction sites.*

**CURRENT LAW:** There are no current statutes that apply to the use of temporary dwellings on residential construction sites.

**BILL ANALYSIS:** The bill would require counties to permit the use of temporary dwellings that are not affixed to property, including recreational vehicles, during the construction of a permanent residence on the same parcel. Temporary dwellings can only be placed on the parcel when:

- Required permit applications for the construction of the permanent dwelling have been submitted.
- The temporary dwelling meets minimum habitability and safety standards applicable to the temporary dwelling.
- The temporary dwelling has access to power and meets sanitary conditions.
- The temporary dwelling must be available for inspection consistent with building code enforcement provisions to verify ongoing compliance.
- The placement of the temporary dwelling must meet applicable minimum setback requirements.

The county is authorized to charge a fee for the permit, and may place additional restrictions on permit issuance, which include:

- Requiring biennial renewal of the temporary dwelling permit.
- Limiting the duration of the temporary dwelling permit based on the issuance of a certificate of occupancy, certificate of compliance, or temporary certificate of occupancy.
- Limiting one active permit per subject parcel.

A county may revoke a temporary dwelling permit if the building permit is denied, or the issued permits for the permanent residential dwelling have been revoked or expired, or if the temporary dwelling fails to meet the criteria imposed prior to the issuance of the temporary permit.

The bill would also clarify that nothing in this new law would affect the validity of applicable nuisance ordinances, private covenants, or contractual agreements among property owners, and that temporary dwelling permits are exclusively regulated by the issuing county.

**EFFECTIVE DATE:** This act would be effective when it becomes law.

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