



2025-2026 General Assembly

SENATE BILL 445: Regulatory Reform Act of 2026, Sec. 44: Allow Construction and Siting of Accessory Dwelling Units.

Analysis of: S.L. 2026-59, Sec. 44

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Section 44 of S.L. 2026-59 (Senate Bill 445) requires cities with a population of 50,000 or greater, not in the coastal area, to allow at least one accessory dwelling unit (ADU) for each single-family detached dwelling in areas zoned for single-family residential use. Under the act, an ADU is defined as an attached or detached residential structure that is used in connection with or that is accessory to a primary single-family detached dwelling located on the same parcel as the primary single-family detached dwelling and that has less total square footage than the primary single-family detached dwelling. The ADU must conform to the North Carolina Residential Code and can be built or sited concurrently with the primary dwelling, or after the primary dwelling has been constructed.

In the permitting of ADUs, local governments are prohibited from:

- Denying use of the primary single-family detached dwelling and the ADU for long term rentals by separate households.
- Requiring placement in a conditional zoning district.
- Establishing minimum parking requirements or other ADU parking restrictions.
- Prohibiting ADU connection to the primary dwelling unit's existing utilities, unless capacity is insufficient to serve both dwellings.
- Charging fees greater than those charged for single-family detached dwellings.
- Setting a maximum ADU size of less than 800 square feet or greater than 1000 square feet.

The local government can still require the ADU to:

- Meet a setback that is the lesser of either 10 feet or the setback required for lots in the same zoning classification.
- Be located to the side or rear of the primary single-family detached dwelling.
- Be smaller than the primary single-family detached dwelling.

The requirement to allow ADUs does not apply to any of the following:

- The validity or enforceability of private covenants or other contractual agreements among property owners related to dwelling type restrictions.
- Properties located in a historic preservation district.
- Properties designated as a National Historic Landmark by the United States Department of Interior.

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- An ADU that is not connected to water and sewer, well or septic.

A parcel with an ADU permitted for construction can not be subdivided such that the ADU would no longer be on the same parcel as the single-family detached dwelling.

These provisions become effective January 15, 2027, and apply to applications for accessory dwelling unit permits submitted on or after that date. Local governments must adopt development regulations to implement the section no later than July 1, 2027.