

Stricken language would be deleted from and underlined language would be added to present law.
Act 313 of the Regular Session

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H3/4/25

A Bill

HOUSE BILL 1503

5 By: Representatives Clowney, Painter, Gonzales, B. McKenzie, J. Richardson
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING MUNICIPAL
10 REGULATIONS; TO PROHIBIT CERTAIN RESTRICTIONS ON THE
11 REGULATION OF ACCESSORY DWELLING UNITS; AND FOR OTHER
12 PURPOSES.
13
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Subtitle

16 TO AMEND THE LAW CONCERNING MUNICIPAL
17 REGULATIONS; AND TO PROHIBIT CERTAIN
18 RESTRICTIONS ON THE REGULATION OF
19 ACCESSORY DWELLING UNITS.
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 14, Chapter 56, Subchapter 2, is
24 amended to add an additional section to read as follows:

25 14-56-205. Accessory dwelling units - Definitions.

26 (a) As used in this section:

27 (1) "Accessory dwelling unit" means a self-contained and
28 independently accessed living unit on the same parcel as a single-family
29 dwelling of greater square footage that includes its own cooking, sleeping,
30 and sanitation facilities and complies with or is otherwise exempt from any
31 applicable regulatory requirements;

32 (2) "By right" means the ability to be approved without
33 requiring:

34 (A) A public hearing;

35 (B) A variance, conditional use permit, special permit, or
36 special exception; or



1 (C) Other discretionary zoning action other than a
2 determination that a site plan conforms with applicable regulatory
3 requirements;

4 (3) "Gross floor area" means the interior habitable area of a
5 single-family dwelling or an accessory dwelling unit;

6 (4)(A) "Regulatory requirements" means the requirements
7 determined by a municipality to be necessary for approval of plans, permits,
8 or applications under this section.

9 (B) "Regulatory requirements" includes:

10 (i) The Arkansas Fire Prevention Code as adopted by
11 the State Fire Marshal;

12 (ii) Any locally adopted ordinances and amendments
13 to the ordinances;

14 (iii) Applicable zoning ordinances and conditions;

15 (iv) Design standards; and

16 (v) Other state and local laws, rules, and
17 ordinances applicable to the plan, permit, or application in question;

18 (5) "Short-term rental" means an individually or collectively
19 owned single-family house or single-family dwelling unit or a unit or group
20 of units in a condominium, cooperative, timeshare, or owner-occupied
21 residential home that is offered for a fee for thirty (30) days or less; and

22 (6) "Single-family dwelling" means a building with one (1) or
23 more rooms designed for residential living purposes by one (1) household that
24 is detached from any other dwelling unit.

25 (b)(1) Except as provided in this section, a municipality shall not
26 adopt a policy, regulation, or ordinance that restricts, prohibits, or
27 otherwise regulates the use of at least one (1) accessory dwelling unit by
28 right on a lot or parcel that contains a single-family dwelling.

29 (2) An accessory dwelling unit may be attached, detached, or
30 internal to the single-family dwelling on a lot or parcel.

31 (3) If the accessory dwelling unit is detached from or attached
32 to the single-family dwelling, it shall not be more than seventy-five percent
33 (75%) of the gross floor area of the single-family dwelling or one thousand
34 square feet (1,000 sq. ft.), whichever is less.

35 (c) A municipality shall not:

36 (1) Require that a lot or parcel have additional parking to

1 accommodate an accessory dwelling unit or require fees in lieu of additional
2 parking;

3 (2) Require that an accessory dwelling unit match the exterior
4 design, roof pitch, or finishing materials of the single-family dwelling;

5 (3) Require that the single-family dwelling or the accessory
6 dwelling unit be occupied by the owner;

7 (4) Require a familial, marital, or employment relationship
8 between the occupants of the single-family dwelling and the occupants of the
9 accessory dwelling unit;

10 (5) Assess development impact fees on the construction of an
11 accessory dwelling unit in excess of two hundred fifty dollars (\$250);

12 (6) Require improvements to public streets or sidewalks as a
13 condition of permitting an accessory dwelling unit, except as necessary to
14 reconstruct or repair a public street or sidewalk that is disturbed as a
15 result of the construction of the accessory dwelling unit;

16 (7) Set maximum building heights, minimum setback requirements,
17 minimum lot sizes, maximum lot coverages, or minimum building frontages for
18 accessory dwelling units that are more restrictive than those for the single-
19 family dwelling on the lot;

20 (8) Impose more onerous development standards on an accessory
21 dwelling unit beyond those set forth in this section;

22 (9)(A) Require a restrictive covenant concerning an accessory
23 dwelling unit on a parcel zoned for residential use by a single-family
24 dwelling.

25 (B)(i) Subdivision (c)(9)(A) of this section does not
26 prohibit restrictive covenants concerning accessory dwelling units entered
27 into between private parties.

28 (ii) Notwithstanding subdivision (c)(9)(B)(i) of
29 this section, a municipality shall not condition a permit, license, or use of
30 an accessory dwelling unit on the adoption or implementation of a restrictive
31 covenant entered into between private parties; or

32 (10) Require separate water and sewer from the primary
33 structure.

34 (d) This section does not prohibit a municipality from regulating
35 short-term rentals.

36 (e)(1)(A) A municipality may require a fee for reviewing applications

1 to create accessory dwelling units.

2 (B) The application fee shall not exceed two hundred fifty
3 dollars (\$250) for each accessory dwelling unit.

4 (2) Subdivision (e)(1) of this section does not prohibit a
5 municipality from requiring its usual building fees in addition to the
6 application fee.

7 (f) A policy, regulation, or ordinance in effect on or after January
8 1, 2026, that applies to an accessory dwelling unit and does not comply with
9 this section is invalid to the extent of its conflict with this section.

10 (g) A municipality may require an accessory dwelling unit to have:

11 (1) A will-serve letter from both a municipal water system and a municipal
12 sewer system; or

13 (2) Approval from the Department of Health where a municipal
14 water service or municipal sewer service is not available.

15 (h) This section does not:

16 (1) Supersede applicable regulatory requirements; or

17 (2) Prohibit a municipality from adopting a policy, regulation,
18 or ordinance that is more permissive than the provisions under this section.

19
20 /s/Clowney

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23 **APPROVED: 3/18/25**
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