



# Accessory Dwelling Unit (ADU) Supportive Strategies

## *Preliminary Guidance*

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## Background

On May 13, 2024, Governor Polis signed House Bill (HB) 24-1152, requiring subject jurisdictions to take a variety of actions to encourage and allow the construction of accessory dwelling units (ADUs). All subject jurisdictions must submit a report showing compliance with the law by June 30, 2025. Please reference C.R.S. 29-35-401 through 405 and DOLA’s comprehensive [HB24-1152 Guidance to Support Compliance](#) for more details.

Jurisdictions can also pursue designation as an ADU Supportive Jurisdiction, certified by DOLA.<sup>1</sup> This certification makes the subject jurisdiction eligible to apply for grants under a new Accessory Dwelling Unit Fee Reduction and Encouragement Grant Program. Grants awarded under that program may be used to offset eligible costs of waiving, reducing, or providing financial assistance for reasonable and necessary costs of promoting ADUs for specific populations with housing needs. Certification also makes residents of the jurisdiction eligible for financing programs for ADUs that will be developed by CHFA.

To be certified, jurisdictions must submit a report showing implementation of one or more strategies from the legislation’s list of strategies encouraging ADU construction or conversion. **This report provides preliminary guidance for the nine ADU strategies listed in HB24-1152.** The law also allows for implementation of “any other strategy that is approved by [DOLA] and that encourages the construction, conversion, or use of accessory dwelling units.” Guidance on possible other strategies is forthcoming.

Each strategy in this report is associated with at least one of the following goal areas, as listed in the overview for each:

### ADU Goals:

- Making ADUs Affordable
- Supporting Homeowners to Build ADUs
- Making ADUs Safe and Accessible
- Reaching Housing Goals with ADUs
- Increasing ADU Production
- Streamlining ADU Approval

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<sup>1</sup> Local governments that are not subject jurisdictions can opt in to be eligible for the ADU grant program and for their residents to be eligible for the CHFA financing programs.

# 1 Waiving, reducing, or providing financial assistance for ADU-related fees for low- and moderate-income households

## Overview

This strategy lowers the costs of building an ADU by reducing or eliminating fees charged by local agencies - such as fee waivers or reductions - or by providing financial assistance to qualified homeowners to cover some or all fees. By providing fee reductions and/or assistance to low and moderate income property owners, an ADU Supportive Jurisdiction can help make ADU development more attainable to people with limited financial resources and contribute to intergenerational wealth building.

## ADU Goals Supported:

- Making ADUs Affordable
- Supporting Homeowners to Build ADUs
- Reaching Housing Goals with ADUs
- Increasing ADU Production

## Benefits

- Encourages the development of more ADUs.
- Focuses support on homeowners who might otherwise not be able to afford an ADU.
- Helps low and moderate income households own or rent an ADU.
- Provides a lot of opportunity for homeowners, from multi-generational living to intergenerational wealth building.
- Reduces displacement for low and moderate income residents - such as seniors, young families, and local workers - so they can remain in their communities
- Addresses a cost area that is most directly controlled by local agencies.
- Optionally can be linked to affordability requirements for the ADU, but with caution (see below).

## How it works

- 1. Evaluate the fees that apply to local ADU development and identify which ones can be easily waived or reduced,** including application and plan check fees, permitting fees, impact fees (including school district or other outside agency impact fees) and/or utility system/connection charges. Keep in mind there may be limitations on fees assessed by outside agencies such as utilities and school districts. If a significant percentage of fees are assessed by outside agencies, consider if there are any funding or partnership opportunities to subsidize costs.
- 2. Determine program mechanics.** This includes:
  - Eligibility requirements (income and equity levels, etc.) and application process.
  - Fees to waive or reduce.
  - When and by how much to reduce fees, such as waiving certain fees for ADUs under a certain size or a percentage or dollar amount reduction.
- 3. Identify the cost and potential sources of funding for the program.** Estimate the financial benefit to a typical ADU project as well as the number of applicants you think might utilize the program in a typical year. Secure support from leadership for implementing the program.
- 4. Consider implementing the program for a limited period of time to start.** Offering a time-limited financial incentive functions like a sale, encouraging applications, and can be extended for a longer time if desired. This can also help with testing homeowner interest and estimating the financial commitment to the program during an initial pilot period, then refining and continuing the program based on experience and feedback.
- 5. Ensure homeowners are aware of the program and its benefits.** Utilize existing communication channels (e.g., city newsletters, utility bill inserts, social media), local media, targeted mailings and/or presentations to groups like local non-profit organizations working with low and moderate income residents.
- 6. Document program inquiries as well as actual applications and financial assistance awards.** To the extent possible, follow up with inquirers who decided not to move forward with their project to understand their decision making and the obstacles they are facing.

## Potential pitfalls and responses

**Addresses only a small part of ADU development costs, which might still be unaffordable for many low and moderate income homeowners.**

- Consider other financial support that can be coupled with the fee program, such as a low-interest ADU loan program that can be offered by a local lending partner like a community credit union or the upcoming [Colorado Housing and Finance Authority](#) grant program for ADU development.

**Fees are typically based on the actual costs of providing a service. Costs will need to be covered in other ways since they typically cannot just be “waived”.**

- Consider general funds, housing funds, the DOLA program, or other sources that can cover part or all of the cost.

**Extensive eligibility requirements and process can inhibit some homeowners from using the program.**

- Ensure eligibility requirements and the process to apply are as simple as possible.
- Consider including moderate and middle income levels and/or existing equity.

**Affordability requirements set to ensure the ADU will be rented at below market rate can undermine the financial benefit, depending on the specific amounts of “lost rent” versus saved cost. It can also make the option unattractive to some homeowners, meaning the program will have little uptake and impact.**

- Be clear about the goals you are trying to achieve through your program and be careful to align requirements with the level of benefit being provided.

**Lowering ADU-related fees is often limited to new or conversion ADUs, but could be expanded to lowering costs for permitting pre-existing ADUs (“ADU amnesty”).**

- Use in conjunction with a program that helps owners permit pre-existing ADUs.

## Examples

### Crested Butte

The Town's [discounted tap fee program](#) will fund 2/3 of the cost of water and sewer tap fees for any deed restricted unit (for sale or rental) this includes the construction of Accessory Dwelling Units (ADUs).

### Fraser

Fraser adopted [Ordinance 436](#) amending the Plant Investment Fee (PIF) Schedule to include, among other amendments, the following:

- Reduced PIF for apartments, mixed-use developments, and accessory dwelling units (ADUs)
- Collection of PIF at Certificate of Occupancy versus Building Permit
- Reduced service fees during construction

### Grand Junction

In 2023, City Council adopted an [ADU production program](#) with fee waivers and incentives up to \$15,000. In exchange, the property owner agrees to not use the ADU for short term rentals for seven years. In order to get the extra incentive the owner must make less than 140% of AMI.

### Erie

In Erie, new accessory dwelling units are [not subject](#) to impact fee charges.

### Montrose

The City offers a discounted [utility connection fee](#) for ADUs at just \$300, providing a savings of approximately \$6,800 compared to the standard water and sewer tap and investment charges.

## 2 Enacting local laws or programs that incentivize the affordability of certain ADUs including ADUs used primarily to house the local workforce

### Overview

This strategy provides financial or other incentives to property owners to build ADUs that will be rented at below market rents and/or for certain populations, such as local workers. By incentivizing ADUs rented at below-market rate, especially for specific populations, an ADU Supportive Jurisdiction can help ensure renters have increased affordable housing options near employment centers.

### ADU Goals Supported:

- Making ADUs Affordable
- Reaching Housing Goals with ADUs
- Increasing ADU Production

### Benefits

- Encourages more rental housing options for residents at below-market rental rates.
- Focuses support on helping low and moderate income workers to remain in their communities.
- Helps low and moderate income renters with affordable housing options close to employment centers, community institutions, and desirable neighborhoods.
- Provides a financial opportunity for homeowners that benefits the community.
- Reduces displacement for local workers such as school district and hospital staff.
- Helps jurisdictions meet local housing goals and demands by increasing the supply of affordable rental units.
- Supports tenant rights through monitoring and affordability compliance.

### How it works

1. **Evaluate program goals and identify targeted communities** for support such as income-qualified, local workforce, or school district employees. This step could also include:
  - Review past affordability requirements and if they've discouraged homeowners from participating. (See pitfall below.)
  - Identifying potential partners, including local nonprofit organizations and financial institutions.

- 2. Determine program mechanics.** This includes:
  - Eligibility requirements for tenants (income levels, employment details, etc.).
  - Types of incentives available (grants, low-interest and/or deferred loans, fee waivers/reductions, development incentives, etc.).
  - Terms for ADU owners including commitment mechanism and length. For example, a deed restriction with a below market rate commitment for 5 years. Consider conducting a focus group or gathering input from ADU owners to understand their willingness to join a program with varying requirements.
  - Terms for ADU owners who back out of the program, such as payback of grants or loans if they drop out early, and for tenants who no longer meet eligibility requirements.
  - Monitoring of the program to ensure homeowners and tenants are meeting requirements over time.
- 3. Identify the cost and potential sources of funding for the program.** Estimate the financial benefit for a typical ADU project as well as the number of applicants you think might utilize the program in a typical year. Secure support from leadership for implementing the program.
- 4. Consider implementing the program for a limited period of time to start.** Offering a time-limited financial incentive functions like a sale, encouraging applications, and can be extended for a longer time if desired. This can also help with testing ADU owner interest and estimating the financial commitment to the program during an initial pilot period, then refining and continuing the program based on experience and feedback.
- 5. Ensure homeowners are aware of the program and its benefits.** Utilize existing communication channels to reach ADU homeowners (e.g., city newsletters, utility bill inserts, social media), local media, targeted mailings to known ADU owners and builders, and/or presentations to groups like local non-profit organizations. Identify existing affordable housing partners, whether internal programs or external organizations, to connect participating ADU owners with tenants.
- 6. Establish a monitoring program for ongoing tracking and compliance.** If a jurisdiction currently has a department or Housing Authority monitoring Section 8 or other housing on an annual basis, consider utilizing existing infrastructure and processes.

## **Potential pitfalls and responses**

### **Insufficient number of affordable ADUs available to keep up with demand.**

- Consider improving the desirability to participate by expanding the type and amount of incentives homeowners can receive, and reduce the program's complications to encourage more ADU development.

### **Terms can seem intimidating to homeowners and dissuade participation.**

- Require homeowners to commit to renting their ADU affordably for long timelines or requiring them to commit via a deed restriction may be intimidating and reduce participation. Keep the terms clear, achievable, and realistic.
- Allow pathways for when a tenant's circumstances change - if their income rises or their employment details change, how can they retain their living situation and avoid the homeowner needing to find a new tenant?

### **Monitoring can be complicated and require investment, and it can be difficult to ensure long-term affordability.**

- Utilize existing affordable housing compliance infrastructure.
- Create new systems that are linked to homeowner reporting protocols to ensure that rents remain affordable.

### **Limited awareness can result in low participation from renters that might be interested.**

- Strengthen outreach by forming partnerships with community-based organizations and nonprofits, tenants-rights groups, housing advocates, supportive services and government agencies that have a direct connection to low and moderate income households.

## Examples

### Durango

In 2023, the City created a program incentivizing the construction of ADUs. The [ADUs for Locals Program](#) offers financial incentives to property owners who construct an ADU and commit to renting it to a member of the local workforce. The rebate is a flat dollar amount of \$8,000 for newly constructed or legalized units. Owners must rent their ADU to a local who works at least 32 hours a week for a business or organization located in La Plata County. Tenants must reside in the unit as their primary residence.

### Eagle County

The Eagle County Housing and Development Authority's (ECHDA) [Aid for ADU](#) program began in May 2022 to support the creation of new ADUs. This program provides existing property owners with a low cost loan for the construction or conversion of existing space to an ADU on the owner's property, where permitted. The intent of the program is to create new housing units for the year round renter at attainable rental rates in Eagle County. Property owners may apply for up to \$100,000 towards the construction of an ADU on their property with a 2% interest rate. No payments or interest are due for the first three years of the term. Renters must have income of 100% AMI or less and use the ADU as their primary residence.

### Gunnison County

The [Housing Matters Program](#), operated by the Gunnison Valley Regional Housing Authority (GVRHA) encourages STR owners to convert their property into long term rentals (LTRs) for local employees. Property owners must agree to a minimum of a 1-year lease term and offer rents affordable to local wages based on household size. Landlord benefits include having a lease agreement with the local agency (GVRHA) as opposed to individual tenants, guaranteed rental income, lower property management fees (compared to STR management companies), and tenant screening/recruitment (done by GVRHA).

### Boulder

The Affordable ADU Program allows homeowners to build a larger ADU if they commit to rents that do not exceed 75 percent of the area median income. This means up to 1,000 square feet for a detached ADU or up to 1,200 square feet or 2/3 the size of the principal home, whichever is less, for an attached ADU. Each year the city provides a [table of affordable ADU maximum rents](#). Once approved for an affordable ADU, a Declaration of Use must be recorded with the Boulder County Clerk and Recorded, which includes a sworn certification the unit will meet the affordability requirement. It must be signed by the property owner and submitted with the building permit application.

### 3 Providing pre-approved plans for the construction of ADUs

#### Overview

This strategy lowers the cost of ADU development and speeds up the process by allowing homeowners to use ADU plans that have already been reviewed for building code compliance. Jurisdictions can either pay an architect and/or engineer to develop ADU plans then conduct the building code review for free, or invite any designer to submit ADU plans for pre-approval (at no cost or for a fee) then connect homeowners to designers. In all cases, building plans must still be submitted for a permit in conjunction with other site-specific information (e.g., site plan to address parking, drainage, utility connections, etc.).

#### ADU Goals Supported:

- Making ADUs Affordable
- Supporting Homeowners to Build ADUs
- Increasing ADU Production
- Streamlining ADU Approval

#### Benefits

- Saves homeowners months of time and thousands of dollars compared to a custom design process.
- Lowers the barrier of entry for many by providing plans that are ready to customize and free or low cost.
- Accelerates the permitting process by reviewing the building plan for code compliance in advance.
- Potentially lowers permit fees (at the jurisdiction's discretion), further reducing costs for homeowners.
- Allows jurisdiction to guide the design process for the pre-approved plans to ensure they reflect local design character and other priorities (e.g., fire resistance, energy efficiency, accessibility, etc.).

## How it works

- 1. Discuss program goals.** Convene a working group of staff from planning, building, public works/utilities, sustainability, and other relevant departments to review and evaluate program design options and determine draft program goals. Example goals can include:
  - Save homeowners time and money
  - Promote ADU designs that reflect local context and priorities
  - Reduce staff time impacts from ADU plan reviews
  - Grow the local ADU marketplace
  - Help homeowners connect with qualified ADU designers
  - Limit liability exposure for the jurisdiction
  - Ensure longevity for approved plans through future code cycles
- 2. Design the review process and related workflows** for pre-approved plan submittals and site-specific building permit applications. Consider departments and outside agencies (fire, utilities, etc.) that will need to be involved and the typical timelines for their involvement. Determine exactly what parts of review will happen during pre-approval and during site-specific building permit application.
- 3. Meet with local ADU designers and architects** to review draft program goals and proposed program design. This can help ensure the program is supported by the local design community rather than be seen as something that might undercut their business.
- 4. Develop and issue a call for proposals.** Based on refined program goals and approach, develop a call for proposals to ADU architects and designers, explaining how they can participate in the program and/or submit their qualifications for consideration.
  - Plan for staff capacity to review submitted designs in a timely manner and to develop a metric for evaluating proposals.
  - Plan for a variety of design sizes, styles, and layouts to make sure your list includes options for homeowners. Consider what type of ADUs and their features are most common in your jurisdiction, particularly in terms of bedroom count.
  - Consider how to offer pre-approved design options that are accessible/visitable for seniors and people with disabilities.

- Clearly state submittal requirements based on what aspects of the plan sets are not site-specific and can be pre-reviewed versus items that will need to be reviewed on a site-specific basis.
- 5. Train staff team and develop internal references for staff.** Make sure the process is documented in onboarding/training materials and that rules and reference materials are easily available at the permit counter and other places staff field questions. It is very important that staff understand the difference between a homeowner using a pre-approved plan and one using a typical custom design plan.
  - 6. If continuing to seek designer-submitted plans, conduct outreach efforts.** Reach out to local American Institute of Architects (AIA) chapters and other architect or designer groups and let them know about opportunities to submit designs for pre-approval. Provide clear information on your website about how designers can submit pre-approval applications and how to work with homeowners using pre-approved designs.
  - 7. Launch marketing efforts for homeowners.** Develop educational materials and a public information strategy to inform homeowners about the benefits of pre-approved plans, what designs are available, how to utilize them, and any available incentives. Include attractive images and descriptive details about the design that homeowners will want to know. Be specific about the extent a base design may be customized or altered and still considered pre-approved.

## **Potential pitfalls and responses**

**Utilizing only jurisdiction-owned plans may provide limited options for homeowners and prove to be very expensive.**

- Open the pre-approval process to multiple designers, who can each set a price for homeowners to use their designs (you can set a limit or guidelines on pricing to keep plans affordable for a variety of homeowners). You can also allow continued submissions of designs for pre-approval so your list of designs grows over time.

**Utilizing designer-owned plans will not allow the same level of jurisdiction control as hiring a designer to create custom plans.**

- Recognize that designer-owned plans may not match ideal jurisdiction specifics but will provide more options for homeowners and lead to more ADU development.

**Homeowners may not like limitations on customization when using pre-approved plans.**

- Ensure a variety of plan sizes, styles, and layouts are offered, to make it more likely for a homeowner to find a plan that works for them.
- Offer a number of fully accessible and visitable designs for homeowners seeking accessible units for aging tenants or tenants with disabilities.

**Jurisdiction-owned plans place liability and responsibility with the jurisdiction instead of the designers, who are typically responsible.** Jurisdictions will also need to keep plans updated through building code changes.

- Building a program where plan ownership stays with the architect/designer keeps them responsible for their plans and any required updates.
- If hiring a designer to provide jurisdiction-owned plans, talk with them about what it will look like to update the plans for new building code cycles.

**Professional designers/architects may not be available to support a project using their pre-approved design.**

- Be clear in education materials that plans may be taken to another professional to go through the site planning and building permit application process.

## Examples

### Denver

Denver's Westside ADU project (WDSF+) offers [pre-approved ADU plans](#), allowing homeowners to select from seven pre-designed floor plans for detached units, ranging from studios to 3-bedroom options. These designs were created by the American Institute of Architects (AIA), Habitat for Humanity of Metro Denver, and Radix Architecture.

#### Key features include:

- Solar-ready roofs and highly energy-efficient construction
- Six single-story units adaptable to ANSI Type B accessibility standards
- Included stainless steel kitchen appliances and high-efficiency stacking washer/dryer
- Homeowners can select exterior siding and paint color
- To keep costs down, interior customization is not available

### Summit County

The County partnered with Design Path Studios of Encinitas, California to develop [stock ADU plans](#), which are available to Summit County homeowners at no cost. This saves homeowners the time and expense of hiring an architect to design an ADU for their property. These plans are available to all homeowners, whether or not they participate in the ADU Assistance Program.

### Outside of Colorado

**Louisville, Kentucky:** The [Pre-Approved ADU Building Plans](#) began when the Office of Planning was awarded a \$13,000 AARP Community Challenge Grant to hold a design competition for ADUs. Three sets of winning plans from local designers were purchased by the city and are now available for the community to use free-of-charge. Plans are marked “pre-approved”, which indicates they have been reviewed and comply generally with local zoning and building code requirements.

## 4 Implementing a program to provide education and technical assistance to homeowners to construct or convert an ADU

### Overview

This strategy supports homeowners throughout the entire ADU design and development process, while reducing staff time and bolstering process improvements. Building an ADU is often a daunting task for a homeowner as they become developers for the first and likely only time in their lives. By providing homeowner education and technical assistance, an ADU Supportive Jurisdiction can help interested residents successfully navigate each step and ensure more ADUs are built.

### ADU Goals Supported:

- Supporting Homeowners to Build ADUs
- Increasing ADU Production
- Streamlining ADU Approval

### Benefits

- Educates homeowners on what to expect throughout the entire process, particularly seniors, Colorado's fastest growing demographic.
- Reduces staff time answering the same questions at the counter.
- Empowers homeowners to know how to navigate local application and permitting processes.
- Ensures more complete applications, reducing staff time on multiple reviews and expediting approval.
- Provides consistent, easily accessible print and digital guidance for staff across departments and at the counter, ensuring customer service is consistent.
- Builds trust between the community and local government by providing complete and thoughtful guidance.

### How it works

1. **Outline local ADU development process from start to finish**, including all required applications, approvals, and review periods. Include all departments and outside agencies involved.
  - Consider common hurdles and pain points in the process for homeowners. Ask recent permit applicants, permit counter staff, all departments

- involved in the process, and outside agencies (utility companies, building departments, school districts, etc.) to understand any issues.
- Determine timelines and dependencies - are there steps homeowners must complete before others to make the process easier?
- Map out the entire process - from getting started to move-in - including major steps, available resources, contacts for departments and outside agencies, forms, or special circumstances (e.g., snowload requirements, deed restrictions, etc.). Address common hurdles and pain points.

- 2. Develop guidance that helps homeowners navigate the process,** focusing on known friction points and frequently asked questions. Any time you can clearly describe a process, connect the dots, provide a checklist, and present information in a visual or interactive format, the more effective it will be. These efforts can take many forms including webpages and websites, publications, workshops or webinars, and tools like a budget calculator or interactive parcel lookup. These are most effective when addressing the entire ADU development process, including what happens before and after interfacing with local government.

**Guidance may include the following elements of the homeowner process:**

- Identifying goals and preferences
  - Creating an ADU project budget and researching options for financing
  - Researching local laws and what's possible on your property
  - Finding a designer and navigating the design process
  - Preparing and submitting permitting applications
  - Hiring a contractor and navigating the construction process
  - Becoming a landlord and renting out your ADU
- Consider holding a recurring event - annual or quarterly - that walks homeowners through the process and what to expect when building an ADU.
  - Identify local homeowners that have built ADUs and ask them to share their experience, which can be the best way to encourage others to build.

- 3. Identify responsibilities and funding for desired resources and/or programs.** Make sure you identify who will keep materials updated and how you will help homeowners know resources exist.

4. **Seek input from those familiar with the ADU process** before finalizing materials to make sure guidance is clear, complete and approachable.
5. **Ensure homeowners are aware of the resources and ADU benefits.** Utilize existing communication channels (e.g., city newsletters, utility bill inserts, etc.) as well as local media coverage, targeted mailings and/or presentations to groups like local non-profit organizations working with low and moderate income homeowners, particularly seniors.

## **Potential pitfalls and responses**

**Materials require consistent updating to accurately depict requirements, local laws, and updated procedures and standards.**

- Determine staff responsibility for keeping materials updated, including a thorough list of all items to be updated.

**Staff turnover creates gaps in knowledge about ADU requirements and processes, as well as the existence of TA programs and materials.**

- Add ADU TA to staff onboarding materials to ensure all new staff know about the materials and where they are.

**If only available in one format (e.g., online, in English, at events), material will not have a far reach.**

- Make materials available in commonly spoken/read languages and in various formats. For example, older community members are likely more comfortable with printed materials and busy young families are not likely to attend workshops or live sessions.

## Examples

### Grand Junction

The City's [website](#) offers many helpful and bilingual English/Spanish resources, including:

- FAQs and a 10-page [ADU Toolkit / Kit de herramientas de ADU](#) providing general information on ADU types, costs, financing, as well as the City of Grand Junction development review process.
- Extra resources ([ADU Cost Estimator / Calculadora de costos de ADU](#) and [ADU Requirements Checklist + Site Sketch Worksheet / Hojas de Trabajo de ADU](#)) located throughout the toolkit which can be accessed by scanning a QR code.
- Quarterly ADU Workshops.

### Boulder

The City's [ADU website](#) includes helpful information for property owners interested in ADUs, such as an overview video, FAQs, and links to resources.

Boulder also created a [handout document](#) with information on requirements for ADUs, a checklist, and a declaration of use application.

## 5 Implementing a program to regulate the use of ADUs for short-term rentals

### Overview

This strategy helps encourage the use of ADUs as housing for local residents. By identifying goals for your community, defining a policy, and providing clear and consistent information on short-term rental (STR) allowances, an ADU Supportive Jurisdiction can help increase longer-term rental opportunities over short-term lodging.

### ADU Goals Supported:

- Reaching Housing Goals with ADUs

### Benefits

- Encourages ADUs (and other housing types) to be used for housing rather than short-term lodging.
- Clarifies the terms under which an ADU can be used as a short-term rental, if at all.
- Helps to ensure consistency and fairness.
- Can help address neighborhood concerns and support local housing goals without creating impediments specifically aimed at ADUs.

### How it works

- 1. If desired, create a local definition of short-term rental.** HB24-1152 includes a definition of the term that includes: “‘Short-Term Rental’ means the rental of a lodging unit for less than thirty days.” but local jurisdictions are allowed to apply their own definition apart from that timeline.
- 2. Identify the policy goal(s) for your community.** Assess what the needs are in your community to ensure your policy is responsive to existing concerns. For instance, if yours is a resort community, goals may include preserving housing for the local workforce and reducing neighborhood impacts due to a concentration of STRs. However, if wealth building is a main goal, allowing STRs to some degree or for a limited time may be helpful.
- 3. Document the prevalence of STRs.** An initial review of STR listings on platforms like Airbnb, Vrbo, and Booking.com can provide a quick overview of the listings in your community. Websites like Inside Airbnb can also be used to provide data in some cities. Your building enforcement and public safety departments might also

have data related to complaints. Consider the number of listings compared to the overall number of available units in your community. Also consider the number of formal lodging units in and near your community and vacancy rates.

- 4. Evaluate the impact of STRs on the local housing supply and affordability.** If possible, document the number of STRs over time as well as the types of units being listed, their price points, and where they are located. How does the monthly income from an STR compare to typical rental prices (accounting for reasonable vacancy assumptions)? Is there any evidence that rents or home prices are increasing in the areas where STRs are most prevalent? Is there evidence that landlords are converting long-term rentals or owner-occupied homes to STRs? Discussions with local realtors, homeowner associations, and tenant associations can shed light on the potential impact that STRs are having on long-term rentals and neighborhoods.
- 5. Consider the current and potential role of ADUs as STRs.** Hone in on the use of ADUs as STRs in your community as a specific type of rental opportunity. Are STRs more common in the areas where ADUs are clustered or where the development of new ADUs is more feasible? Is it more common for an ADU to be used as an STR than other housing types? Understanding the specific characteristics of ADUs as both short-term and long-term rentals can help ensure that local policies are tailored to the problem they are aiming to solve.
- 6. Consider the experience in other communities.** Look at examples of STR regulations in other communities that share similar characteristics to your local housing situation. A few examples are provided below. Consider how the regulations apply to all housing types as well as to ADUs. Interview staff from those communities to understand how well the policies are working to achieve stated goals as well as challenges and any lessons learned.
- 7. Engage ADU owners and the broader community.** Present the data and information about the prevalence and use of STRs in the community, the impact they have on the local supply of housing as well as affordability. Provide an overview of potential responses based on the experiences in other communities. Use the engagement process to clarify policy goals, evaluate options (including required staffing and resources for implementation and enforcement), and consider potential unintended consequences and how they might be mitigated. Ensure that the engagement process hears from homeowners, renters, housing advocates, local businesses, and tourism professionals.

**8. Evaluate and enact tailored measures.** Use the list below as a starting point for considering potential measures that could be adopted to achieve your stated policy goals without impeding the creation of new ADUs. Potential policy responses can include but are not limited to:

- Higher taxes or fees on all STRs (not just ADUs) to support affordable housing initiatives
- Caps on STR licenses, which can vary by area, or prohibitions in certain areas
- Limits on the number of nights a unit can be used as an STR or the amount of space that can be used as an STR (though this can be challenging to enforce)
- Requirements for owner occupancy of properties with STRs to prevent full-time conversions (which, in the case of ADUs, could apply to the primary residence or ADU)
- Stronger enforcement of existing regulations (with STR fees covering enforcement costs)

**9. Enforce and monitor your program.** Ensure the policy adoption process includes workable mechanisms for enforcement and monitoring, and conduct an annual review to evaluate whether the policy is achieving its stated goals as well as to identify and address any enforcement issues.

## Potential pitfalls and responses

**ADUs are singled out for STR regulation rather than housing units as a whole.**

- It is common for neighbors to hone in on ADUs as a path toward increasing STRs and to express warranted concerns, but ADUs should be treated as just one housing type among many in the regulation of STRs. A prohibition on ADUs as STRs while allowing every other home on a street to be an STR is unlikely to achieve the goals listed above. ADUs are a strategy for adding to the local housing supply. Regulations should address STR impacts on housing generally, with ADU-specific regulations being just one part of a larger policy strategy.

**STR regulations require a workable enforcement strategy.**

- The design and adoption of STR regulations must include a workable enforcement mechanism, with clarity about the processes, systems, staffing, and budget that will be needed to ensure that the adopted policies are being followed.

**Enforcement of STR regulations often rely on complaints, which can lead to inconsistent application of the law.**

- Many aspects of local enforcement are carried out on a complaint basis. To ensure fairness, an STR enforcement strategy should be proactive and applied consistently. While complaints might be one way in which program infractions are brought to light, they should not be the only way.

## **Examples**

### **Sheridan**

The City's [ADU ordinance](#) allows properties with an accessory dwelling unit to be granted one short-term rental license, in accordance with the City's home-based business regulations. The license can apply to either the accessory dwelling unit or the single-family dwelling, but not both, and the property owner must reside in one of the units.

### **Longmont**

ADUs are not permitted to operate as short-term rentals, [except](#) in Planned Unit Developments like Prospect and Riverside at Mill Village, where the site plan specifically allows for such use.

### **Wheat Ridge**

ADUs [cannot be used](#) as "whole home" short-term rentals STRs but may be operated as "partial home" STRs, as long as the property owner lives onsite. A short-term rental license is required for a partial home STR in an ADU, and applicants must verify that they continuously reside in one of the dwellings.

## 6 Enacting local laws that incentivize the construction and conversion of accessible and visitable ADUs

### Overview

This strategy encourages the development of ADUs that are accessible and visitable to individuals with disabilities by enacting local laws and policies that incentivize their construction and conversion. By promoting accessible and visitable ADUs, an ADU Supportive Jurisdiction can expand inclusive housing options, ensuring that people with disabilities have equitable access to safe and affordable living spaces.

### ADU Goals Supported:

- Supporting Homeowners to Build ADUs
- Making ADUs Safe and Accessible

### Benefits

- Increases the availability of accessible and visitable housing units to meet the needs of residents with disabilities.
- Promotes social inclusion by integrating accessible living spaces within diverse communities.
- Enables more seniors to age in place and live in supportive environments by removing barriers to the construction or conversion of accessible and visitable housing.
- Ensures that people with mobility issues can comfortably visit the homes of their friends and family members.

## How it works

- 1. Conduct a review of existing regulations.** Comprehensively assess local building codes, zoning laws, and housing policies to identify barriers to the construction or conversion of accessible and visitable ADUs. This includes evaluating design standards and permitting processes that may hinder accessibility features.
- 2. Utilize external resources.** The Kelsey has developed [Inclusive Design Standards](#), along with a self-scoring checklist, to provide guidance and advance disability-forward housing creation. They've also detailed [best practices to help local and state governments](#) ensure accessible homes reach disabled tenants.
- 3. Conduct stakeholder engagement.** Collaborate with disability advocacy groups, architects specializing in universal design, homeowners, and community members to gather insights and identify challenges related to accessible and visitable ADU development. This collaborative approach ensures that diverse perspectives inform policy and regulatory adjustments.
- 4. Determine your standards/definitions for “accessible” and “visitable.”** Make sure you understand the required minimum standards included in HB24-1152's legislative definitions of those terms.
- 5. Amend zoning and building codes.** Consider implementing legislative changes to support accessible and visitable ADUs, such as:
  - Allowing increased floor area for ADUs to incorporate accessibility features, particularly to support the conversion of ADUs to be accessible or visitable.
  - Reducing or waiving parking requirements for accessible ADUs, recognizing that occupants with disabilities may have different transportation needs.
  - Providing flexibility in setback requirements to facilitate the construction of ramps or other accessibility structures.
  - Providing flexibility in any lot standards (e.g., lot coverage, permeable landscaping requirements) that may limit the ability to provide accessibility features, such as paths to ADUs that can be used by people with mobility constraints.
- 6. Determine financial or other incentives.** Consider establishing grant or loan programs to assist homeowners in offsetting the costs associated with incorporating accessibility features into ADUs. Consider reducing or waiving local government fees for the construction or conversion of accessible and visitable ADUs.

- 7. Streamline permitting processes for qualifying ADUs.** Consider simplifying and expediting the approval process for accessible and visitable ADUs by creating clear guidelines and offering technical assistance to applicants. This may involve developing a standardized checklist for accessibility and universal design features and providing dedicated support to navigate the permitting system.
- 8. Consider providing accessible and visitable pre-approved ADU plans.** If your jurisdiction provides pre-approved plans for the construction of ADUs, ensure that some are accessible and/or visitable.
- 9. Launch marketing efforts for the program and its benefits.** Develop educational materials and a public information strategy to clearly communicate the benefits of constructing accessible and visitable ADUs, including any available incentives. Utilize existing communication channels (e.g., city newsletters, utility bill inserts, social media), local media, targeted mailings and/or presentations to groups like local non-profit organizations working with populations that would benefit. Providing resources, workshops, checklists, and consultations can empower stakeholders to embrace accessibility in their projects.

## **Potential pitfalls and responses**

**Homeowners, builders, and even staff may not know about the importance and benefits of accessible ADUs.**

- Develop targeted materials that communicate the need for and value of accessible design, including success stories and best practices.
- Identify partnerships with local non-profit organizations to amplify marketing efforts amongst the community.

**Incorporating accessibility features can raise construction expenses, potentially deterring homeowners.**

- Offer financial incentives, such as grants or fee waivers, to offset additional costs and encourage the inclusion of accessibility features.

**Homeowners may worry that accessibility features will negatively impact the aesthetics of their property.**

- Promote universal design principles that integrate accessibility seamlessly, demonstrating that functionality and aesthetics can coexist.

## Examples

### Denver

Denver's Westside ADU project (WDSF+) features six single-story [pre-approved ADU plans](#) designed to meet [ANSI Type B Adaptable Design Standards](#), allowing for seamless adaptation to fully accessible homes as needed.

Key design standards include:

- Hallways and doorways wide enough for wheelchairs and walkers
- Six single-story units that minimize the need for stairs
- Blocking in walls for grab-bar installation
- Parallel approach to sinks for ease of use by wheelchair users
- Low-threshold step-in shower for independent bathing

### Outside Colorado examples

**Alameda, CA:** [Universal residential design ordinance](#) requires certain residential dwelling units (not ADUs) to meet visitability and universal design standards.

**San Antonio, TX:** [Universal design ordinance](#) requires new homes constructed with the City's financial assistance to incorporate specific universal design features. Permit-ready plans selected for inclusion in the City's [ADU Permit-Ready Plan Library](#) must incorporate all universal design elements included in the City's universal design ordinance.

[California's Residential Building Code](#) includes aging in place and fall prevention requirements that apply to the construction of new dwellings.

## 7 Assisting property owners with ensuring that pre-existing ADUs comply with local laws

### Overview

This strategy provides property owners with guidance and resources to bring pre-existing, unpermitted ADUs into compliance with local regulations (sometimes referred to as “ADU amnesty”). This can involve fee waivers, technical assistance, and financial support. By addressing non-compliance issues, an ADU Supportive Jurisdiction can ensure that pre-existing ADUs are safe and habitable while contributing to the housing stock.

### ADU Goals Supported:

- Making ADUs Safe and Accessible

### Benefits

- Addresses health and safety issues present in pre-existing ADUs, increasing the supply of compliant housing.
- Reduces liability for a homeowner concerned about penalties or code enforcement, and raises the potential resale and rental value of the homeowner’s property.
- Streamlines processes for municipalities to account for ADUs in housing goals.

### How it works

- 1. Evaluate the scope of pre-existing ADUs.** Identify how many pre-existing ADUs might exist in the jurisdiction and the common compliance issues they face (e.g., zoning, safety standards, or utility hookups).
- 2. Design a legalization/amnesty program.** Steps may include:
  - Define eligibility criteria for property owners, such as location, property type, income levels, absence of active code enforcement case, date of construction.
  - Determine which regulatory violations must be fixed for homeowners to legalize their ADU. Consider only requiring compliance with standards that are necessary for life and safety.
  - Decide which fees will be waived or reduced to incentivize homeowners to legalize their ADUs (e.g., inspection fees, permit fees, impact fees, utility connections, etc.). Waive any applicable penalties for building an unpermitted ADU.

- Considering technical assistance to help homeowners navigate the process, including access to professionals like architects, engineers, and/or contractors. This may also include access to dedicated local government staff charged with shepherding homeowners through the legalization process.
- Consider providing homeowners with a free, confidential inspection of the ADU by a third-party inspector, which will include an examination of the ADU and a detailed write-up of any issues requiring correction prior to legalization. Third-party inspectors provide advantages such as offering homeowners a low-risk way to learn about the program without committing to participation and preventing jurisdictions from feeling obligated to take action against property owners who choose not to legalize.
- Publish a clear, step-by-step checklist on legalizing pre-existing ADUs for homeowners to follow.

**3. Determine potential financial incentives.** Steps may include:

- Identify existing programs or potential partnerships to provide deeper financial assistance. For example, community action agencies throughout the state have programs such as weatherization assistance that could help meet health and safety compliance issues at no cost to income-qualifying homeowners.
- Incorporate assistance into existing incentive funds or programs.
- Create grant programs or partner with local banks or credit unions to offer low-interest loans for homeowners needing financial assistance to make safety upgrades or other improvements.

**4. Determine how you'll monitor and evaluate the program.** Plan to track applications and approvals under the program and to gather feedback from participants to refine the program over time.

## Potential pitfalls and responses

### Potential displacement of low-income tenants in pre-existing ADUs.

- Consider only requiring the minimum updates required for ADUs to be safe and habitable. Consider providing financial support for tenants who may need to temporarily relocate during construction. Consider limiting how much rent can be increased after construction.

**Homeowners may perceive participation in the program as being too risky.**

- Ensure that standards that will be enforced are not too rigorous and only reflect the minimum that homeowners need to do to make existing units safe. Consider hiring third-party inspectors or consider having a dedicated inspector with expertise in this particular issue who can establish trust with homeowners and help them decide to participate. Consider allowing anonymous inquiry into the program where homeowners are not committing themselves to making updates by asking questions about the program. Consider creating a code enforcement “firewall” unless there is a clear and imminent danger to the public or environmental health.

**Lack of awareness for the homeowners who need it most.**

- Leverage robust outreach campaigns through newsletters, community events, and media coverage to raise awareness of the program. Develop easy-to-read marketing materials in multiple languages.

## Examples

### Wheat Ridge

Property owners can seek legal status for their existing, unpermitted ADUs through the [Existing ADU Program](#). Property owners with existing structures or parts of structures that meet the definition of ADUs may apply to the City for approval. The City Council has [extended](#) the grace period for submitting applications, which must now be submitted by August 15, 2026. After this date, there may be reduced flexibility and/or penalties.

### Summit County

The [ADU Assistance Program](#) reimburses up to 25% of construction costs to convert non-compliant ADUs into compliant ADUs, requiring recipients to agree to workforce housing covenants and rental caps at 110% AMI in exchange for the funding.

### Outside of Colorado

**Milpitas, CA:** The [Safe ADU Legalization Program](#) provides property owners with a consultation with the Safe ADU Legalization Program Coordinator and a free, initial inspection to assist with the legalization process.

**Berkeley, CA:** Property owners can legalize existing ADUs via the [Amnesty Program for Unpermitted Dwelling Units](#), which provides two pathways for legalization.

## 8 Enabling a pathway for the separate sale of an ADU

### Overview

This strategy encourages the separate sale of an ADU, also referred to as ADU condoization or ADU condo conversion. This process allows an ADU to be split into a separately saleable condominium with distinct ownership, while remaining on the same parcel as the primary residence, meaning there is no actual subdivision of the land itself. The resulting for-sale ADU is a legally recognized, independent property with its own deed and ownership rights, managed under shared agreements and governance structures. By adopting an ADU condoization policy, an ADU Supportive Jurisdiction can help increase access to homeownership, wealth building, and ADU development.

### ADU Goals Supported:

- Making ADUs Affordable
- Supporting Homeowners to Build ADUs
- Reaching Housing Goals with ADUs
- Increasing ADU Production

### Benefits

- Creates for-sale ADUs that are typically less expensive than primary homes in the same area.
- Broadens access to homeownership and wealth generation through smaller, more affordable units. In particular, it can enable moderate-income buyers to enter the housing market, including in older, established neighborhoods.
- Leverages existing residential properties to meet housing demands more efficiently.
- Provides economic flexibility for homeowners by giving them the ability to sell or finance their ADU separately from the primary residence, unlocking equity and generating capital without needing to sell their entire property or to accrue rental income over time. For example, it can allow an elderly homeowner to convert his/her property, sell the primary residence to pay off debt, and remain mortgage-free in the condoized ADU.
- Provides an option for larger, immediate financial returns on ADU development.
- Can create increased property tax revenue because the ADUs are reassessed at market value upon sale.

## How it works

- 1. Convene a cross-departmental team.** Assign program leads and bring in all necessary departments, including planning, building, public works, utilities, and others.
- 2. Clarify and confirm goals.** Using the “benefits” list above as a starting point, articulate clear goals for the program, including desired outcomes and metrics of success. Review, refine and confirm the goals as part of the stakeholder and public engagement process.
- 3. Review relevant local policies.** Conduct a review of local ordinances to identify any policy barriers, as well as opportunities to incorporate separate sale into an existing zoning, subdivision, or condominium code.
- 4. Conduct stakeholder and public engagement.** As part of a broader housing strategy conversation or as a stand-alone policy process, engage key stakeholders and the community at-large in reviewing and refining policy goals, evaluating program options, and determining program metrics. Stakeholder groups can include those with knowledge of the local housing market (realtors, lenders, developers) as well as representatives from neighborhood groups and housing advocates. There may also be opportunities to partner with non-profit organizations like Habitat for Humanity that have expressed interest in utilizing such a policy.
- 5. Evaluate and decide on program design options.** Take into consideration policy goals, policy gaps that require drafting and adopting ordinances, and the necessary administrative workflows (which may require partnership with outside departments - see below steps for more details). Options to consider include:
  - Owner-occupancy incentives to support occupant ownership versus investor ownership
  - Resale restrictions to prevent quick resale and speculative flipping
  - Geographic limitations
  - Potential incentives for participation (such as fee waivers/reductions)
- 6. Once the program is designed, confirm standards and administrative workflows for the program, including:**
  - Parcel mapping requirements
  - Governance structures
  - Safety inspections

- Lienholder consent
- Utility and infrastructure requirements

**7. Create applicant support and public resources.** Applicants will need comprehensive guidance materials about what it means to engage in the separate sale program. Provide handouts and a public-facing webpage and consider outreach events. If possible, provide templates for CC&Rs, condominium plans, and HOA agreements to guide applicants through setup and compliance.

**8. Ensure homeowners are aware of the program and its benefits.** Utilize existing communication channels to reach existing ADU homeowners (e.g., city newsletters, utility bill inserts, social media) and to make sure homeowners considering a new ADU are aware of the separate sale option. Local media, targeted mailings, and/or presentations to groups like community organizations can help get the word out.

### **Potential pitfalls (and responses)**

**Separate sale opportunities may increase speculative development where developers buy an existing home, build an ADU, and then immediately sell both homes (a form of house flipping).** This can rapidly increase the pace of ADU development compared to rental ADUs and lead to community/political backlash.

- Implement minimum holding periods to prevent quick resale.
- Establish a program in which only nonprofits and community land trusts can utilize the separate sale provisions, with complementary policies and programs to support and incentivize affordable for-sale ADUs.

**Allowing the separate sale of existing ADUs can displace current tenants.** Without protections, these tenants may lose their housing. This risk aligns with concerns about affordability and accessibility, especially in high-demand areas with limited affordable rental housing and where separate-sale ADUs are likely to command high prices.

- Require a first-right of offer to tenants in existing ADUs, allowing them to become ADU owners. This can be linked with a downpayment assistance program.
- Require at least three-months of notification to impacted tenants as well as relocation assistance.

**Homeowners may find the cost of conversion and parcel mapping process to be expensive and prohibitive.**

- Providing financial incentives and comprehensive technical assistance and clear resources can help reduce this burden. Technical assistance can be provided to all homeowners, with financial assistance targeted to income-qualified homeowners.

**Homeowners may face difficulties working with financial institutions. Obtaining consent from lienholders and navigating existing mortgages can be challenging.**

- Engage local lenders early in the policy and program design process to address concerns and ensure that necessary support as well as targeted lending products are available.

## **Examples**

### **Outside of Colorado**

**San Jose, CA:** The City has a newly adopted ADU Condoization ordinance ([website](#) and [ADU Condominium Checklist for homeowners](#)).

**Seattle, WA:** ADUs can be sold separately under a condominium agreement. A 2022 report found that ADUs sold as condos cost 40% less than a single-family home on the same parcel. (See more condoization details in their [2023 ADU Annual Report](#).)

## 9 Enacting local laws that encourage the construction of ADUs that are factory-built residential structures<sup>2</sup>

### Overview

This strategy encourages the construction of factory built ADUs by streamlining processes and reducing barriers for their approval and installation. Factory-built ADUs - either regulated by the U.S. Housing and Urban Development (HUD) or overseen by the Colorado Department of Housing (DOH) - provide a flexible and cost-effective way to address housing shortages. By updating its laws, rules, and policies, an ADU Supportive Jurisdiction can help make factory-built ADUs more likely to be installed in their community and more attainable to people with financial constraints.

### ADU Goals Supported:

- Making ADUs Affordable
- Increasing ADU Production
- Streamlining ADU Approval

### Benefits

- Promotes affordable and efficient ADU construction to address housing shortages.
- Increases housing options while maintaining safety and quality standards.
- Lowers the barrier of entry for many by providing a turnkey ADU design option.
- Encourages innovation and broader acceptance of factory-built housing solutions.

### How it works

- 1. Complete an analysis of existing regulations.** Conduct a comprehensive review of local building and planning regulations to identify barriers to factory-built ADUs. This includes evaluating design standards, inspection requirements, and utility connection policies.
- 2. Conduct stakeholder engagement.** Collaborate with local stakeholders, including manufacturers, homeowners, local government staff, and community groups, to identify priorities and challenges related to factory-built ADUs.
- 3. Explore local code updates.** Consider potential code and procedural changes, such as:

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<sup>2</sup> As defined in section 24-32-3302 (10).

- Expressly allowing factory-built ADUs in all residential zones where ADUs are permitted, ensuring both HUD-certified and DOH-certified units are included.
  - Amending design requirements to provide flexibility for factory-built units, such as allowing exterior materials and roof slopes to not match those of the primary home.
  - Simplifying foundation requirements for standard soil conditions and making clear the locations in which standard foundations are allowed.
  - Removing site-specific requirements (e.g., requirement to install noise reducing windows) that do not implicate life and safety issues but make it more challenging to install a singular design across an entire city or county.
  - Streamlining the process for securing encroachment permits.
  - Providing clear guidelines for utility tie-ins without mandating upgrades that are not essential for health and safety.
4. **Utilize available external resources to assist with code updates.** DOLA provides a [Template Land Development Code](#) (formerly known as the Model Land Use Code) that includes helpful language. DOLA's Division of Housing is also currently developing a Template Factory-Built Structure code.
  5. **Conduct a feasibility assessment.** Analyze the administrative, financial, and operational implications of proposed changes, ensuring they align with local goals and capacity.
  6. **Coordinate with other jurisdictions.** Consider coordinating these efforts with other jurisdictions, to promote consistent rules and regulations throughout the State.
  7. **Prepare for implementation and internal communication.** Develop clear guidelines, informational resources, and communication strategies to support homeowners and factory-built ADU developers and ensure smooth adoption of any new laws. Provide any necessary training to local government staff to ensure they are informed of regulatory updates and can consistently implement them.

## Potential pitfalls and responses

Local officials and the public may have a limited understanding of factory-built ADUs.

- Provide training sessions and public outreach to educate stakeholders about the benefits and standards of factory-built ADUs.
- Consider state-level partnerships and resources, such as the DOH, to support education efforts.

Community members may resist factory-build ADUs due to misconceptions or aesthetic concerns.

- Highlight successful examples of factory-built ADUs and incorporate design flexibility to address aesthetic considerations.

Updating and enforcing new laws can add administrative burden.

- Streamline administrative processes and ensure adequate staffing and resources to support implementation.

## Examples

### Golden

Factory-built homes that meet the definition of a manufactured home are allowed as ADUs. Temporary housing such as RVs and campers is explicitly prohibited. The [zoning code](#) specifically mentions that mobile homes not meeting that definition, along with other types of temporary housing (campers, trailers, etc.), cannot be used as ADUs.

### Superior

The City's [Land Use Code](#) prohibits mobile homes for use as an ADU, but allows manufactured homes to be used.