

SUPPORT [HB 611/SB 531](#)

Topic: Legalizes accessory dwelling units (ADUs) in single-family residential districts statewide
Bill Patron: Delegate Laura Jane Cohen / Senator Kannan Srinivasan

OVERVIEW:

Requires a locality to include in its zoning ordinances for single-family residential zoning districts accessory dwelling units (ADUs), as a permitted accessory use. The bill requires a permit for an ADU from the locality, requires the locality to issue such permit if the person meets certain requirements, and restricts the fee for such permit to \$500 or less. The bill prohibits the locality from requiring (i) construction of new dedicated parking for an ADU in most instances; (ii) setbacks for the ADU more than five feet from the property line; (iii) conditions for ADUs that are more restrictive than those for single-family dwellings within the same zoning area with regard to height, rear or side setbacks, lot size or coverage, or building frontage; or (iv) consanguinity or affinity between the occupants of the ADU and the primary dwelling.

REASONS TO SUPPORT:

- States like Maryland, Arizona, and Maine have streamlined the process to build ADUs (e.g. in-law suites, backyard cottages) as a way to provide more affordable housing options - particularly for seniors, young adults, and working families.
- This bill does not override HOA or condo covenants, does not affect existing ADU permits, and respects local ordinances adopted before 2025.
- ADU leases must be over 30 days to prevent short-term rentals. Localities may require that the property owner occupy either the ADU or main home at the time of application.
- Local governments will retain authority over health, safety, and environmental standards, and can require replacement of a primary dwelling's required parking if construction of the ADU eliminates such parking. Localities may place limits on floor area, lot coverage, and impervious area of ADUs greater than a certain size.
- Under this bill, localities may also require compliance with (i) building codes, (ii) water, sewer, septic, emergency access, flood zone, and stormwater requirements; (iii) historic and architectural districts and corridor protection restrictions; and (iv) Air Installations Compatible Use Zone restrictions.
- This is an approach that will add gentle, incremental housing within existing neighborhoods - without requiring the cost of a rezoning or major infrastructure changes.
- It will allow families to stay together as their life circumstances change, and give young professionals the opportunity to find their footing in new markets.
- It grants homeowners greater control over their properties and a source of income to help pay the mortgage and helps older homeowners on fixed incomes.



Coalition for Smarter Growth

DC • MD • VA

Stewart Schwartz, Executive Director

stewart@smartergrowth.net

703-599-6437



VIRGINIA
CONSERVATION
NETWORK

Virginia Conservation Network

Fatima Kamara, Land Use & Transportation

Campaign & Policy Manager

fatima@vcnva.org

Fatima: (757) 309-6647

This position was taken by Virginia Conservation Network (VCN)'s Legislative Committee and Board of Directors and is supported by Virginia's conservation community. For a complete list of VCN positions, visit www.vcnva.org/bill-tracker. VCN is committed to building a powerful, diverse, and highly-coordinated conservation movement focused on protecting our Commonwealth's natural resources today and for tomorrow.