

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2177

Introduced by

Senator Schobinger

1 A BILL for an Act to provide for restrictions on governmental regulation of private real property.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1. Restrictions on real property regulation.** A governmental entity may
4 not regulate private real property unless all of the following conditions are met:

- 5 1. The specific property to be regulated is identified.
- 6 2. The owner is notified in writing of the proposed regulation and is informed of the
7 impact the regulation would have on the owner's property. The governmental
8 entity shall describe the impact of the regulation on the owner's property through
9 the use of examples as to make clear the intent and purpose of the regulation and
10 shall describe the limitations and restrictions the regulation will have on the
11 regulated property.
- 12 3. Before adoption of the proposed regulation, the owner is notified as to when,
13 where, how, and what testimony may be given to the governmental entity
14 proposing the regulation.
- 15 4. The regulation addresses a public necessity. The determination of public necessity
16 is a judicial question that must be answered without regard to any legislative
17 enactment or statement that reflects that the purpose of the regulation is a public
18 necessity.
- 19 5. There is no other reasonable alternative that accomplishes the public necessity.
- 20 6. The regulation has the least restrictive impact and burden on the owner's property
21 in accomplishing the necessary public purpose.
- 22 7. Before imposition of the regulation, the governmental entity provides a full
23 economic impact analysis to the owner at the governmental entity's expense.

- 1 8. Before imposition of the regulation, the governmental entity provides full
- 2 compensation for economic losses suffered as a result of the regulation, present
- 3 and future, to the owner of the property.
- 4 9. The regulated property is reevaluated for tax purposes and the owner is notified of
- 5 the results of the valuation. The new tax valuation must be reflected and identified
- 6 in the next tax assessment notice.