

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1460

Introduced by

Representative Cleary

1 A BILL for an Act to create and enact a new section to chapter 11-33.2 of the North Dakota
2 Century Code, relating to modification of subdivision building restrictions; and to repeal section
3 47-04-25.1 of the North Dakota Century Code, relating to modifications of covenants running
4 with the land.

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

6 **SECTION 1.** A new section to chapter 11-33.2 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Modification of subdivision building restrictions.** Subdivision building restrictions
9 executed after July 31, 1999, must contain procedures for modification of the building
10 restrictions. The register of deeds may not record an instrument containing subdivision building
11 restrictions unless the instrument contains provisions for modification of the building
12 restrictions. If a subdivision building restriction recorded before August 1, 1999, does not
13 contain procedures for modification, the owners of sixty-seven percent of the lots in the
14 subdivision may agree in writing to amend the building restrictions to include provisions for
15 modification. Following approval of the amendment of the building restrictions and approval of
16 any modification of the building restrictions, the amendment or modification must be recorded in
17 the office of the register of deeds of the county in which the subdivision is located. The
18 provisions of this section relating to subdivision building restrictions recorded before August 1,
19 1999, do not apply to subdivisions where the plat has been recorded for less than fifteen years.

20 **SECTION 2. REPEAL.** Section 47-04-25.1 of the 1997 Supplement to the North
21 Dakota Century Code is repealed.