

SENATE BILL NO. 2303

Introduced by

Senator Luick

1 A BILL for an Act to create and enact a new section to chapter 54-21.3 of the North Dakota
2 Century Code, relating to maximum basement depths in residential properties and required
3 disclosures.

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

5 **SECTION 1.** A new section to chapter 54-21.3 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Maximum basement depth - Residential property - Required disclosures by**
8 **developer.**

9 1. A one-family or two-family dwelling constructed after August 1, 2023, may not have a
10 basement depth of more than one foot [30.48 centimeters] below the ordinary high
11 water mark of the underlying water table as established by a soil scientist or soil
12 classifier. Before the sill height of the structure is determined, the basement depth
13 must comply with this section.

14 2. Before a developer sells land to a purchaser for the construction of a one-family or
15 two-family dwelling after August 1, 2023, the developer shall disclose to the purchaser
16 the ordinary high water mark of the underlying water table. The developer also shall
17 disclose to a purchaser the risks associated with toxic black mold growth in a
18 basement built below the ordinary high water mark of the underlying water table.

19 3. The department of commerce, in cooperation with the state building code advisory
20 committee, shall adopt rules to implement and update the state building code to
21 comply with this section.