



**NORTH DAKOTA  
PLANNING ASSOCIATION**  
Serving North Dakota since 1973

**NDPA Board**

*John Van Dyke – President  
Rachel Laqua - Vice President  
Sandy Rohde - Past President  
Daniel Nairn - Treasurer  
Andrea Edwardson - Secretary  
Will Hutchings – At Large  
Donald Kress – At Large*

January 23, 2023

RE: Opposition of HB1422 regarding zoning inspections

Chairman Louser and members of the House Industry, Business and Labor Committee:

The North Dakota Planning Association is in opposition of the proposed amendment subsection 3 of section 11-10.1-05, section 11-33-04, subsection 1 of section 11-33-18, subsection 6 of section 40-05-02, sections 40-47-06, 40-19-01, and 58-03-13, subsection 2 of section 58-03-19, and section 58-09-03 of the North Dakota Century Code, relating to notices triggering zoning inspections when assessments are conducted and building permits are issued.

These requirements will add a significant burden to administrative staff in most jurisdictions and will require review of all building permits by commissions. Typically, this process is handled administratively by building officials or planning departments. With each building permit applied for, staff review the project and property for compliance with all codes, including any that may govern non-conformities. Requiring an inspection and an individual report to landowners to explain that they are in compliance with a regulation that they would not have been issued a building permit for if they were not in compliance, seems to add time and burden to citizens, staff, and zoning boards.

Many local jurisdictions do not have enough staff to feasibly provide reports for every building permit and assessment that occurs. The number of reports that may be generated could be significant – jurisdictions may have hundreds or thousands of assessments and permits every year. Any citizen has the ability to contact their local jurisdiction at any time for a zoning verification and determination of whether their property is in compliance with all codes, including non-conforming statute.

As planners, we must note that the non-conforming language contained in most codes is a best practice, allowing for jurisdictions to fix dangerous or unwieldy property burdens at a time when it is most convenient for building/property owners. For example, in some cases non-conforming properties may have accesses too close to intersections, or may be built in a floodplain or too close to a setback, allowing for a potentially dangerous situation. Utilizing non-conforming language within a code usually only requires changes if a property has been fully destroyed or is torn down for a new development. At that point, the cost to change a property to meet current codes is much less than if it were to be required while the property or building was still standing.

Because this proposed change would add significant burden to citizens, administrative entities, and commissions, the North Dakota Planning Association respectfully opposes this bill as presented and written.

Thank you for your consideration.

Rachel Laqua  
Vice President, NDPA