

House Bill 1422

Urge a "Do Not Pass" Recommendation

This bill is unnecessary. Zoning information is already public information. If any member of the general public wants to find out what the zoning status of their property is, all they have to do is call or e-mail the Zoning Administrator or Planning Department of the political subdivision in which the property is located. A staff member will provide them with a zoning determination, which tells them what the property is zoned, whether the property is non-conforming, and what uses are allowed by-right, or by conditional use, on the property.

Does zoning non-conformity rise to the level of being important enough for the state to mandate notices to property owners? A non-conforming structure can persist as-is and routine maintenance is generally allowed. There are arguably more critical issues, pertaining to real estate, that the state does not mandate notices for.

If the non-conforming status of a property *is* important enough to warrant the state intervening to mandate a notice, then the legislature should be equally interested in both the ***mechanics of the disclosure*** and the ***timing of the disclosure***. If you were a property owner, when would be the most opportune time for you to find out that there are limitations on what you can construct on your property? In all likelihood, you'd rather discover that information before you even purchased the property. In that case, the *disclosure should be made by the listing agent or the seller*. That's the best time to provide that information.

The current bill language sets the timeframe for the disclosure at the point of a tax assessment being conducted and at the point of the property owner applying for a building permit. The proposed timing doesn't help the general public at the most critical time (i.e. before they even purchase the property).

The process outlined in the bill is **inefficient** and would create a **significant administrative burden**. **All properties would be subject to the proposed inspection, reporting and notification process when only a small subset of properties within a political subdivision are non-conforming.** In addition, a zoning inspection and report are not necessary in the majority of cases. A Zoning Administrator can determine if a lot is non-conforming simply by looking at a zoning/parcel map, and can then draft a concise statement about the zoning status.

This bill is unnecessary. It also suggests a cumbersome and inefficient process that is not even targeted at the properties of interest. **Please recommend a do-not-pass vote** on this incomplete bill.

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