

# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Steve Vetter

District 18  
804 South 17th Street  
Grand Forks, ND 58201-4241  
[smvetter@ndlegis.gov](mailto:smvetter@ndlegis.gov)

## COMMITTEES:

Judiciary  
Government and Veterans Affairs

01/25/2023

Chairman Louser and IBL committee.

My name is Steve Vetter representing district 18.

This bill is a disclosure bill that requires political subdivisions to disclose to property owners if their house is in compliance with zoning code or if the house is nonconforming and the local ordinance if you can rebuild if you are over 50% damaged. However, with this bill, if a political subdivision has an ordinance that allows for nonconforming houses to be rebuilt if over 50% damaged then they are exempt from the bill and this bill does not affect them at all.

This bill says that when a new assessment inspection takes place or a permit is issued within 6 months a zoning inspection must take place. The zoning inspection is done to verify if the property conforms to zoning code or to indicate if the house is nonconforming. The property owner is then notified if the property is nonconforming and if it can be rebuilt if it is over 50% destroyed.

If the community allows nonconforming houses to be rebuilt then they are exempt from this bill.

So, the triggers of which requires a compliance: at minimum every 5 years or when a new assessment is done, when a building permit is issued or whenever the political subdivision wants to do a compliance check. So, a political subdivision could do large areas or sections of town all at once without having to do a new assessment or a permit issued.

Let's start with what is a legally nonconforming structure. This is a structure that at one time complied with zoning code. However, the zoning code was changed so now that structure no longer complies to zoning code hence it is now a legally nonconforming structure. Depending on where you live, there might be consequences if you own a nonconforming house. In about 40-50% of North Dakota, if your structure is over 50% damaged or destroyed, you cannot rebuild/repair.

There are some examples on nonconforming house in each of the different areas. Your city changes your zoning and the new zoning requires a 7000 square foot lot and yours is 5000 sf. For County zoning. If you have a 20 acre site and you refinance to a 2.5 acre lot and the county requires 5 acre lot, you have a nonconforming property. Anytime the city changes a zoning regulation the house that doesn't conform to the new regulation becomes a nonconforming structure.

Some examples include a duplex in a R1 zone(single family homes only). A resident house in a commercial zone. Other examples include a house having too small of a site or the setbacks are no longer the same as current zoning codes.

However, several communities have adopted nonconforming ordinances over the recent years.

Bismarck, Fargo, Wahpeton, Lisbon, Casselton, Mayville, Grafton, Stanley and recently Minot. All these areas are exempt from this bill.

Unfortunately, Grand Forks, West Fargo, Mandan and Williston do not. Grand Forks has changed zoning codes in recent years to lower lot sizes so there is a limited amount a nonconforming single family houses. In Grand Forks defense, they allowed a variance or rebuild in all but one case that I know of and the 1 case the owner didn't want to rebuild.

However areas like West Fargo the variance is not accepted by local authorities and there are lots of single family houses that are nonconforming in the area. I provided the committee with a map of an area in West Fargo called the Stockyard Development. I have all the nonconforming houses circled. If you request it I could forward you the zoning code for that area to indicate the nonconformities of all the identified houses. I hope it's not someone you know cause they can't rebuild if over 50% damaged or destroyed. Do you see where their might be some liability? Who is to blame?

I tried to fix the problem with legislation in previous sessions that passed with overwhelming numbers in the House, THANK YOU and then failed in the Senate twice. HB doesn't fix the problem but it seeks to bring disclose to those affected and don't even know it. I would suspect 80-90% of property owners that have a nonconforming house don't know it.

Question on the triggers. The triggers put in the bill were meant to be the least evasive. I originally thought the trigger should be before a real estate sale or transfer of property. However, this could slow down the transaction because the city would need to do the compliance check before the sale so I would think the Realtors might be opposed to that idea. Or maybe that is better idea to protect the buyer? Mr Chairman, as a Realtor, is that a good idea to add this trigger before the transfer of sale?

The opposition argues it is too much of an administrative burden. Once a compliance check is done, it is good for 5 years. Not every time a permit is issued. I don't this is too much too ask for the citizens of ND. Is there another trigger they would suggest or do they just not want to disclose this valuable information to their citizens. Or simply pass an ordinance to allow nonconforming houses to be rebuilt and there is no administrative burden...None. -Don't understand the opposition from Minot planners association.

Mr Chairman and IBL committee this a good bill that brings disclosure to people who don't know they are affected. I would humbly ask for a Do Pass recommendation. Thank you. I will stand for questions.



Search | StreetView

en State Print Measure 02-0701-002506-0903

X Q