



HB23-1255

SHORT TITLE: Regulating Local Housing Growth Restrictions

LONG TITLE: Concerning preemption of local regulations limiting the number of building permits issued for development.

SPONSORS: Reps. Lindstedt and Dickson/Sen. Gonzales

COMMITTEES: House Transportation, Housing & Local Government Committee

PURPOSE OF THE BILL: To pre-empt local government action which restricts building permits.

BILL PROPONENTS: The Governor's office.

POTENTIAL STAKEHOLDERS: Property owners; land developers, local governments, neighborhood associations, water and sewer providers, other providers of community services, housing advocates

BACKGROUND: Local governments issue residential building permits based on recommendations from planning commissions that consider zoning, other uses of nearby property, available services such as water and sewer, and citizen input. From time-to-time permits may be restricted in number for a variety of reasons such as lack of essential services in an area proposed for development.

Is the bill necessary this year? There is no deadline.

How does the bill change current law? This bill prohibits local governments from limiting the number of new building permits they will issue, and from enforcing existing limitation on permit. In the event of a declared disaster emergency, the local government may enact a temporary growth restriction for no more than one year after the disaster declaration.

Does the bill affect the prior appropriation system? No.

How is the bill implemented? Any existing limits on issuance of residential building permits will not be enforceable. New applications for permits cannot be restricted. The bill works in concert with SB23-213 concerning land use and required types of residential housing construction which must be permitted.

Practical considerations: If a local government cannot restrict residential building permits, what are the implications for water supply, water treatment and sewer providers, as well as the providers of other essential services (fire, medical, public safety)? How will it affect tap fees to supply new housing?

Fiscal impact: According to the Fiscal Note, there will be no fiscal impact from this bill. Any additional workload to the Dept. Of Local Affairs will be absorbed. Local governments may see increased workload; in some jurisdictions; revenues and expenditures may increase but costs are not able to be determined.