

TESTIMONY ON HOUSE BILL 1222

House Political Subdivisions Committee

January 28, 2021

**Brandon J. Boespflug, Building Inspections Director/ Chief Building Official
Ryan Brooks, Interim City Planner, City of Grand Forks, ND**

Chairman Dockter and members of the House Political Subdivisions Committee, my colleague Brandon Boespflug (Inspections Director) and myself, Ryan Brooks (Interim City Planner), represent the Building Inspections and Planning Departments for the City of Grand Forks. We thank you for the opportunity to provide testimony and express our opposition to House Bill 1222.

The City of Grand Forks has several concerns with the bill, specifically how it relates to removing local control regarding non-conforming structures. City staff often work with property owners and, in some cases, entire neighborhoods, regarding the redevelopment of a property that has been damaged beyond 50% of its value. For the majority of structures, this is not an issue and the structure meets our zoning code to be rebuilt. In some cases, however, the structures do not meet setback or other zoning requirements, making them non-conforming.

The way the bill is written “ties our hands” at the local city level and eliminates our ability to work with our citizens and/or neighborhoods regarding non-conforming elements of a property. This is especially problematic in situations where those non-conforming elements have a life-safety impact that could otherwise be corrected should a property be damaged beyond 50%. Our current process allows the City to collaborate with property owners to rebuild structures while maintaining public safety interests. It is imperative that not only the City of Grand Forks, but all North Dakota cities, counties, and townships, have the ability and authority to adopt and enforce building codes and zoning ordinances to protect the safety, welfare and health of their citizens.

A real-world example where this bill would be problematic occurred in Grand Forks two years ago when a fire occurred on a small residential lot (1,400 square feet), leaving the structure damaged beyond 50% of its value. The now-damaged house was located within a few feet of an adjacent house. It was very fortunate that the fire did not consume both homes. Under this bill, the City would either have to allow the structure to be rebuilt despite the life-safety issues of its close proximity to another residential structure, or compensate the property owner for its fair market value; an issue made more problematic given there is no clear method specified in the bill as to how fair market value is to be determined.

In sum, if adopted, House Bill 1222 would deny cities the ability to address life-safety concerns, in partnership with property owners and through a proper and thorough evaluation of existing zoning and building codes, that may result from non-conforming properties, as well as the limit the evaluation of the impact a given non-conforming property may have on surrounding land uses.

The passage of House Bill 1222 is not in the best interests of the City of Grand Forks, nor any other cities, counties, or townships in North Dakota. Thank you for your time and consideration.

The City of Grand Forks asks for a DO NOT PASS for HB 1222