

Testimony in Opposition to House Bill 1222
March 19, 2021
Senate Political Subdivisions Committee
Bill Wocken on behalf of the North Dakota League of Cities

Good Afternoon Mr. Chairman and members of the Senate Political Subdivisions Committee. For the record, my name is Bill Wocken and I am testifying in opposition to House Bill 1222 on behalf of the North Dakota League of Cities.

You have heard about the effect of House Bill 1222 so I need not repeat that information. We have heard from practitioners who tell us there is no widespread problem with non-conforming structures at present. Local governments have handled most of the concerns with non-conforming structures with their own ordinances.

You have heard from planners from several cities that when a non-conforming structure is destroyed to the extent its remaining value is less than half of its value prior to a catastrophic loss event many communities work with the owner of the structure to help them find a way to provide a structure that is more in line with zoning, flood and building codes. Often re-zoning, grant of variances or special use permits are employed. The result may not be re-creation of the pre-loss structure but often a better use of the parcel.

The North Dakota League of Cities is concerned that imposition of a state law solution to all non-conforming structure issues takes away the control of local officials over their communities. Those officials who live and work in their communities are willing and able to handle these situations. The opportunity for unintended consequences from a universal decision in state law must be considered.

We believe that cities, counties and townships are able to resolve their non-conforming structure problems on a local level so we must respectfully request a DO NOT PASS recommendation for House Bill 1222.