

HB 1796 -- PROPERTY RIGHTS

SPONSOR: Murphy

This bill prohibits any county or municipality from enacting or maintaining any ordinance, regulation, or other policy that requires an owner, builder, or developer to implement green building design and construction practices for one- or two-family dwellings, condominiums, multiunit townhouses, multiunit apartment buildings, or commercial or industrial buildings, with the intent to improve sustainability, energy efficiency, high-performance energy standards, environmental responsiveness and other standards specified in the bill, that threatens the affordability of the construction, maintenance, repair or renovation.

The bill prohibits a political subdivision from requiring an exempt homeowner, as defined in the bill, to obtain any license, certification, or professional registration or be tested as a condition of applying for a building permit if all work is done by the owner or other current resident.

If the property is transferred by the owner within one year of completing any work, the political subdivision can assess the homeowner a one-time administrative fee not to exceed \$5,000. This is not to be construed to prohibit the enforcement of applicable building codes otherwise required by law. Certain instances to which these provisions do not apply are specified in the bill.

Certain activities for which the political subdivision cannot require an exempt homeowner to get a permit, license, variance, or other prior approval are described in the bill.

A permit inspection not made within 10 business days of an exempt homeowner request will result in 50% of the permit charges being refunded. If the inspection is not made within 20 business days, the inspection will be waived and the exempt homeowner can proceed as if the property has passed the inspection.

Provided the permit is not allowed to expire prior to renewal, an exempt homeowner will not be charged a fee to extend or renew a permit, no matter how many times it is renewed, unless the work is visible from the neighboring properties or adjacent streets. A political subdivision can require a job site with uncompleted work to be maintained in a state that does not pose an imminent threat to public health or safety.

No exempt homeowner will be assessed a fine or fee for unpermitted work in an amount greater than double what would have been charged if a permit had been issued at the time it was discovered. No exempt homeowner will be required to undo work that has been done without a permit unless the political subdivision can prove by photographic or similar objective evidence that the work performed did not meet code or safety standards.

The bill also makes numerous stylistic changes to several sections of existing statute.