

HB 3226 -4 STAFF MEASURE SUMMARY
House Committee On Agriculture and Land Use

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Meeting Dates: 3/19, 4/9

WHAT THE MEASURE DOES:

Requires local governments to allow building across lot lines if an owner has a recorded covenant not to sell separately. Establishes that the consideration of multiple properties as a single lot or parcel allows for combining the properties for the purpose of meeting acreage requirements, requiring building setbacks, and a building or permanent structure to cross interior property lines. Prohibits the consideration of multiple properties as a single lot or parcel from being used to authorize a dwelling not otherwise authorized on lands zoned for forest use or exclusive farm use. Allows a local government to terminate a covenant not to sell separately upon receiving an application by the owner that is accompanied by a survey map that meets certain specifications, and provided that the property lines between the lots or parcels are not crossed by encroachments. Provides an exception for encroachments authorized by the local government based on a former or concurrent property line adjustment or easement acknowledging the encroachment. Allows an owner of two or more contiguous properties to record a covenant not to sell separately in the county records. Requires that a covenant not to sell separately contain: a covenant, binding on the successors of the property, that the owner of the contiguous properties may only use and convey the encumbered properties together; a declaration that each property encumbered by the covenant cannot be conveyed or encumbered separately; a legal description of each property encumbered by the covenant; and the acknowledged signature of the owner of the properties. Defines "contiguous properties." Restricts a county clerk from recording an instrument from an owner or owner's successor that attempts to voluntarily convey or encumber less than all of the properties affected by a covenant not to sell separately, unless it is recorded after, or together with, an order of a local government terminating the covenant.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-4 Creates an exception to the requirement for local governments to consider multiple properties as a single lot or parcel for properties under a covenant not to sell separately, for local governments that allow for property tax account consolidation to achieve the same outcome. Prohibits the owner or successor of an owner, rather than a county clerk, from recording an instrument that attempts to voluntarily convey or encumber less than all the properties affected by a covenant not to sell separately.

REVENUE: No revenue impact

FISCAL: May have fiscal impact, but no statement yet issued

BACKGROUND:

House Bill 3226 would require local governments to allow building across lot lines if an owner has recorded covenant not to sell separately, and would establish conditions under which a covenant may be recorded.