

HB 2289 -1 STAFF MEASURE SUMMARY

House Special Committee On Wildfire Recovery

Prepared By: Laura Kentnesse, LPRO Analyst

Meeting Dates: 3/29, 4/5

WHAT THE MEASURE DOES:

Directs the Housing and Community Services Department to study issues relating to building in areas affected by wildfires and report to appropriate committee or interim committee of Legislative Assembly by September 15, 2022. Sunsets December 31, 2022.

REVENUE: May have revenue impact, but no statement yet issued

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

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces measure. Specifies that all provisions apply only to owners of properties on which structures or uses were destroyed or interrupted by a wildfire identified in an executive order issued by the Governor between August 1 and September 31, 2020. For **nonresidential uses**, authorizes a property owner to alter, restore, or replace the use without further application to a local government if the use was allowed outright as an accessory use, the use was subject to a land use process and a permit was issued for the use, or the use was established before a requirement that the use be subject to a land use process and the replacement conforms as nearly as practicable to specified records. For **dwellings**, requires a local government to approve an application to alter, restore, or replace a dwelling if the local government determines that the evidence in the record establishes that the **former dwelling** had specified intact walls, roof, indoor plumbing, interior wiring, and a heating system, was authorized by building permits or another appropriate regulatory approval process, was assessed as a residential dwelling for taxation purposes for the tax year beginning July 1, 2001, and is not subject to unresolved enforcement proceedings questioning the lawfulness of the dwelling; and that the **proposed replacement dwelling** will not exceed the floor area of the destroyed dwelling by more than 10 percent, will be adequately serviced by water, sanitation, and roads, will be located wholly or partially within the footprint of the destroyed dwelling unless the applicant chooses a different location within the same lot or parcel to comply with local flood regulations or to avoid a natural hazards area, and will comply with the building codes in effect the later of January 1, 2008 or the date of the former dwelling's construction. Authorizes a local government to add conditions to the approval or siting of a dwelling only as needed to maintain participation in the National Flood Insurance Program. Authorizes a local government to delegate application approval to a hearings officer, planning commission, or building official. Specifies the application approval is not a land use decision and a local government may not require an applicant give notice to any nonparty. Authorizes a local government to approve an application for a dwelling built after January 1, 2001 that complies with requirements for the former dwelling and proposed replacement dwelling in this 2021 Act or a nonresidential use or structure through a land use decision if the required land use application, building permit, or other regulatory approval record is unavailable. Requires an application to alter, restore, or replace the structure or use to be filed on or before September 30, 2025, and provides that the application approval expires only if the property owner has not commenced development of the structure or use on or before December 30, 2030. Sunsets provisions January 2, 2031.

REVENUE: May have revenue impact, but no statement yet issued

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

BACKGROUND:

House Bill 2289 would direct the Housing and Community Services Department to study issues relating to building in areas affected by wildfires and report to appropriate committee or interim committee of Legislative Assembly by September 15, 2022.