

# ACTION ALERT: Contact Your Legislators Regarding HB 483 Land-Use Regulatory Changes

June 15, 2016

Earlier this week, the Senate unveiled its version of [HB 483 Land-Use Regulatory Changes](#), a bill that makes wide-ranging changes to land-use regulatory statutes. Among other changes, the bill would incentivize litigation at local taxpayer expense, weaken protections for neighboring property owners of new developments, and undermine infrastructure performance guarantees that protect new property owners and local taxpayers.

**The League opposes this bill in its current form and urges you to contact your legislators to let them know of the potential harm created by HB 483.**

The legislation is expected to be voted on by the Senate Judiciary I Committee early next week and then taken up by the Senate Commerce Committee before consideration by the full Senate. Before the changes by the Senate, the House version of the bill already contained provisions that weakened land-use protections and would create more court-litigated cases in the land-use area. That House version was approved in that chamber last year with little debate, with a committee vote and two House floor votes taking place in a matter of hours as the General Assembly faced its "crossover" deadline.

Many of the changes in the bill are complex and less than obvious except to those who work in this field. That being the case, the League is focusing much of its opposition on a few areas that can be readily understood. Increased litigation and litigation costs would result from the bill because it allows individuals to skip a Board of Adjustment appeal and take cases directly to Superior Court for a new and full review; protections for neighboring property owners would be weakened by a number of provisions, including by eliminating an existing legal rule that discourages continuing development during an appeal; several changes to existing performance guarantee rules could leave local taxpayers to foot the bill if infrastructure fails, and leave purchasers in the development damaged should that occur.

We are asking that you focus your attention on these primary issues, and that you make the following four points:

HB 483 Land Use Regulatory Changes incentivizes land-use litigation in a number of ways, making this a dream bill for lawyers who specialize in this type litigation.

The costs brought by more litigation will be borne by taxpayers, whether municipal taxpayers paying for additional court costs and legal fees or state taxpayers paying for an additional case load for an already overburdened court system.

By creating an uneven playing field in the courts, the bill weakens protections for neighboring property owners.

Undermining performance guarantees means that local property taxpayers will pay the cost of failing infrastructure, and it subjects property purchasers to the harms created by failing infrastructure.

This bill undermines local land-use regulations that work in concert to protect all municipal property owners. Please contact your legislators this week and this weekend, let them know about the specific ways that local land-use rules have protected the investments of property owners in your city or town, and urge them to slow down and consider how these wide-ranging changes may affect those citizens and their investments.

*Posted on June 15, 2016 by Scott Mooneyham*