

SPONSOR STATEMENT

Senate Bill 228 Municipal Land Use Regulation

The freedoms we enjoy are inextricably linked to the property we own. This individual right should be carefully preserved and respected in the face of advancing local government while at the same time allowing a community some measure of self determination. This bill ensures a balance between the two sides of this tension.

SB 228 has three parts that govern the changing of local land use ordinances. The first part provides that if an ordinance is changed to prohibit a use of land that was previously permitted, the use of the land that was permitted under the old ordinance must be allowed to continue unless it is determined that the use constitutes a common law nuisance.

The second part of SB 228 provides that if a municipality passes an ordinance that prohibits a home business, which was permitted under the old ordinance, the owner of the property must be allowed to continue his or her business until the ownership of the property is transferred. If that home business owner applies for a change or expansion, the municipality cannot refuse that application unless it would have a "negative" effect on the neighbors and area. The factors that are suggested are the same as the previous section.

The third part of SB 228 protects the use of property owned by older or disabled Alaskans by prohibiting municipalities from enforcing a change in the ordinance for ten years or until the ownership of the property is transferred, whichever is first. This part of the bill recognizes that it would not be a right use of governmental power to force older or disabled Alaskans to immediately alter the use of their land, simply because an ordinance is passed. Alaskans have traditionally respected the privacy of individuals and this bill recognizes that this privacy should extend to land use.

SENATOR FRED DYSON

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