

Review Requirements for Buildings for Lease or Rent

Changes to State Law—Re: Multiple Units for Rent on a Single Property

The 2013 State Legislature, under Senate Bill (SB) 324, enacted changes to State law in reference to the review and approval process for developments creating multiple buildings or units for lease or rent on a single property. Prior to these changes, the Attorney General had issued an opinion in January of 2012 stating that the then-current law required local governments to review these types of developments as subdivisions (this is why they were known as ‘subdivisions for lease or rent’).

SB 324 changed the law by removing lease/rental developments from the subdivision review process, and instead enacted a new, separate review process for them to be known as Buildings for Lease or Rent (BLR) review. SB 324 also established various exemptions from the BLR review process. A couple of the more notable exemptions are: 1.) the creation of three or fewer rental units on a single lot are exempt from review, and 2.) when a development is within a zoning district and in compliance with those zoning laws it is also exempt from the BLR review.

No More ‘Subdivisions for Rent or Lease’ Review

As a result of SB 324, the City and County Subdivision Regulations will need to be updated to remove references to the subdivision for rent or lease review process (mostly found in Chapter 6). These updates will be proposed and reviewed within the next several months, with the anticipation for adoption by the end of the year.

Buildings for Lease or Rent Review

In place of subdivision for rent or lease review, the City is now reviewing ‘Buildings for Lease or Rent’ developments for zoning compliance using the master site plan review and/or building permit review processes. These processes are currently in place.

The County will review BLR developments for zoning compliance, when proposed developments are within the zoning jurisdiction, using the County Zoning Compliance Permit process already in place. For non-exempt developments outside of the zoning jurisdiction, the County has developed, as required by the new state law, a review process to be known as ‘Buildings for Lease or Rent’ Review. This new review process must be in place by September 1, 2013.